SCOTTISH STATUTORY INSTRUMENTS

2011 No. 380

TOWN AND COUNTRY PLANNING

The Town and Country Planning (Appeals) (Written Submissions Procedure) (Scotland) Revocation Regulations 2011

Made - - - -	*27th October 2011*
Laid before the Scottish Parliament	*31st October 2011*
Coming into force - -	*1st December 2011*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 267 and 275 of the Town and Country Planning (Scotland) Act 1997(**a**) and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Town and Country Planning (Appeals) (Written Submissions Procedure) (Scotland) Revocation Regulations 2011 and come into force on 1st December 2011.

(2) In these Regulations—

"the 1990 Regulations" means the Town and Country Planning (Appeals) (Written Submissions Procedure) (Scotland) Regulations 1990(**b**); and

"the Listed Buildings Act" means the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997(**c**).

Revocation of the Town and Country Planning (Appeals) (Written Submissions Procedure) (Scotland) Regulations 1990 and saving provision

2.—(1) Subject to paragraph (2) and regulation 3(2), the 1990 Regulations are revoked.

(2) The 1990 Regulations continue to have effect as they had effect immediately before 1st December 2011 in relation to an appeal made under—

(a) section 18(1) of the Listed Buildings Act (appeals against refusal of or conditional consent to applications for listed building consent or against refusal of approval required by a condition);

(b) section 18(2) of the Listed Buildings Act (appeals in default of decision on application for listed building consent or for approval required by a condition);

(**a**) 1997 c.8. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46). Section 267 was amended by section 19 of the Planning etc. (Scotland) Act 2006 (asp 17). Section 275 was amended by section 54(16)(a) of that Act.
(**b**) S.I. 1990/507 as amended by S.S.I. 2004/332 and 2009/220.
(**c**) 1997 c.9.

(c) section 18(1) and (2) of the Listed Buildings Act as applied by—

(i) section 17 of that Act (applications for variation or discharge of conditions); or

(ii) section 66 of that Act (control of demolition of buildings in conservation areas);

(d) section 35 of the Listed Buildings Act (appeals against listed building enforcement notices); and

(e) section 35 of the Listed Buildings Act as applied by section 66 of that Act (appeals against enforcement notices in respect of the demolition of buildings in conservation areas),

where notice of appeal is given to the Scottish Ministers under section 19(1) or 35(2) of the Listed Buildings Act before that date.

Amendment of the Town and Country Planning (Miscellaneous Amendments) (Scotland) Regulations 2009 and saving provision

3.—(1) Subject to paragraph (2), regulation 2 of the Town and Country Planning (Miscellaneous Amendments) (Scotland) Regulations 2009(**a**) is omitted.

(2) The 1990 Regulations continue to have effect as they had effect immediately before 3rd August 2009 in relation to an appeal—

(a) made under a provision listed in paragraphs 1, 2, 3, 4, 5 and 7 of the Schedule to the 1990 Regulations (as they had effect immediately before 3rd August 2009); and

(b) in respect of which notice of appeal was given to the Scottish Ministers before 3rd August 2009.

AILEEN CAMPBELL
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
27th October 2011

(**a**) S.S.I. 2009/220.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke the Town and Country Planning (Appeals) (Written Submissions Procedure) (Scotland) Regulations 1990 ("the 1990 Regulations") on 1st December 2011 subject to savings in respect of existing appeals. Regulation 2(2) continues the 1990 Regulations in force in respect of appeals under Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 made before 1st December 2011. Regulation 3 amends the Town and Country Planning (Miscellaneous Amendments) (Scotland) Regulations 2009 to remove regulation 2 of those Regulations which will be redundant upon the revocation of the 1990 Regulations but restates the savings provisions for appeals made under various provisions of the Town and Country Planning (Scotland) Act 1997 before 3rd August 2009.

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