EXPLANATORY NOTE

(This Note is not part of these Regulations, but is intended to indicate their general purport.)

These Regulations make provision for various procedural matters under the Town and Country Planning (Scotland) Act, 1947. Regulations 3, 4 and 5 prescribe the time and manner in which certain notices may be given and claims made under the Act. Regulation 6 adapts certain provisions of the Water (Scotland) Act, 1946, dealing with the recovery of expenses and powers of entry of owners of land, so as to apply them to proceedings under enforcement notices. Regulation 7 fixes at 5 years the period within which land which has ceased to be operational land of statutory undertakers may be developed without payment of development charge. Regulation 8 deals with the procedure for determining disputes as to what is the " prevailing use " of land by the Central Land Board and the Secretary of State. Regulation 9 is of a transitory nature, providing for the transfer to local planning authorities of applications under section 1 or section 2 of the Restriction of Ribbon Development Act, 1935, which have not been finally determined before 1st July, 1948, on which date those sections were repealed. Regulations 10 and 11 provide for proceedings being taken concurrently in respect of (i) development plans and compulsory purchase orders, and (ii) compulsory purchase orders and orders extinguishing rights of way.

---

3. BUILDING PRESERVATION ORDER

The Town and Country Planning (Building Preservation Order) (Scotland) Regulations, 1948

1948 No. 2096 (S. 168)

Made - - - -	*15th September,* 1948
Laid before Parliament	*15th September,* 1948
Coming into Operation	*16th September,* 1948

In exercise of the powers conferred on me by sections 27 and 107 of the Town and Country Planning (Scotland) Act, 1947(a), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

1. These regulations may be cited as the Town and Country Planning (Building Preservation Order) (Scotland) Regulations, 1948, and shall come into operation on the 16th day of September, 1948.

2.—(1) In these regulations, unless the context otherwise requires—

" the Act " means the Town and Country Planning (Scotland) Act, 1947;

" order " means a building preservation order made under section 27 of the Act and includes an order amending or revoking such an order;

(a) 10 & 11 Geo. 6. c. 53.

" notice by advertisement " in relation to an order means a notice published in a newspaper circulating in the locality in which the subject matter of the order is situate.

(2) The Interpretation Act, 1889(a), shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

3. An order made by a local planning authority shall be in such form as the local planning authority may determine and shall include a plan of the building which is the subject matter of the order.

4. A local planning authority shall as soon as may be after making an order—

(*a*) submit to the Secretary of State—

(i) the order;

(ii) two copies thereof; and

(iii) a statement of their reasons for making the order;

(*b*) where the building which is the subject matter of the order is situated within the district of a small burgh the town council of which is not the local planning authority, send a copy of the order and of the statement referred to in the last preceding paragraph of this regulation to the town council of the said burgh;

(*c*) give notice by advertisement of the making of the order and of the submission thereof to the Secretary of State for confirmation and include in the notice a statement containing the information specified in Regulation 5 hereof;

(*d*) serve on the owner, lessee and occupier of the building affected by the order a copy of the order (either with or without any plan forming part thereof) together with a notice stating that the order has been made and submitted to the Secretary of State for confirmation and include in the notice a statement containing the information aforesaid; and

(*e*) furnish to the Secretary of State a copy of each advertisement published in accordance with the provisions of this regulation and a certificate that the provisions of the last preceding paragraph of this regulation have been complied with.

5. A notice given or served under paragraph (*c*) or (*d*) of the last preceding regulation shall state—

(*a*) that a certified copy of the order will be open for inspection at a specified place or places and between specified hours;

(*b*) that any objections or representations with respect to the order must be made in writing to the Secretary of State within 21 days from the date of publication or service of the notice as the case may be; and

(*c*) that every such objection or representation must specify the grounds thereof:

Provided that, where a plan was included with the copy of the order served under paragraph (*d*) of the last preceding regulation, it shall not be necessary to include in the notice served therewith the information contained in paragraph (*a*) of this regulation.

(a) 52 & 53 Vict. c. 63.

6. Every objection or representation with respect to the order shall—

(*a*) be made in writing to the Secretary of State within the period specified in paragraph (*b*) of the last preceding regulation; and

(*b*) state the grounds thereof.

7. The Secretary of State shall, before deciding whether to confirm the order, take into consideration any objections or representations with respect thereto made in accordance with the provisions of the last preceding regulation and, if he has caused a local inquiry to be held with respect to such objections or representations, the report of such inquiry.

8. A local planning authority shall, as soon as may be after receipt of the Secretary of State's decision on the order,—

(*a*) where a copy of the order has been sent to the town council of a small burgh in accordance with the provisions of paragraph (*b*) of Regulation 4 of these regulations, inform the said council of the Secretary of State's decision and, in addition, when the order is confirmed or confirmed subject to modifications, send a copy of the order to the said council;

(*b*) inform all persons on whom notices have been served under paragraph (*d*) of Regulation 4 of these regulations of the Secretary of State's decision and, in addition, where the order is confirmed or confirmed subject to modifications, serve a copy of the order on every such person; and

(*c*) (except where the order is confirmed provisionally under the proviso to subsection (4) of section 27 of the Act) give notice by advertisement of the Secretary of State's decision, and where the order is confirmed with or without modifications, state in such notice the place or places where and the hours within which a certified copy of the order may be inspected.

Dated this fifteenth day of September, 1948.

Arthur Woodburn,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

EXPLANATORY NOTE

(*This Note is not part of the Regulations, but is intended to indicate their general purport.*)

These regulations deal with the form of orders made under section 27 of the Town and Country Planning (Scotland) Act, 1947, for the preservation of buildings of special architectural or historic interest, and the procedure to be followed in connection with the submission and confirmation of such orders.