SCOTTISH STATUTORY INSTRUMENTS

2011 No. 383

TOWN AND COUNTRY PLANNING

The Town and Country Planning (Enforcement of Control) (No. 2) (Scotland) Amendment 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 35(4), 36(1) and 82 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997(**a**) and sections 131 and 275 of the Town and Country Planning (Scotland) Act 1997(**b**) 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 (Enforcement of Control) (No. 2) (Scotland) Amendment Regulations 2011 and come into force on 1st December 2011.

(2) In these Regulations—

"the 1992 Regulations" means the Town and Country Planning (Enforcement of Control) (No. 2) (Scotland) Regulations 1992(**c**); and

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

Amendment of the Town and Country Planning (Enforcement of Control) (No. 2) (Scotland) Regulations 1992

2.—(1) Subject to regulation 4, the 1992 Regulations are amended in accordance with paragraphs (2) to (4).

(2) In regulation 2 (interpretation) omit the definition of "electronic communication".

(3) Omit regulations 2A (electronic communications), 2B (consent to use of electronic communications), 2C (withdrawal of consent to use electronic communications), 5 (statement by appellant) and 6 (statement by planning authority).

(4) In regulation 8 (application of regulations)—

(**a**) 1997 c.9. 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). See section 81(1) for the definition of "prescribed". Section 82 is amended by section 30 of the Historic Environment (Amendment) (Scotland) Act 2011 (asp 3).
(**b**) 1997 c.8.
(**c**) S.I. 1992/2086 as amended by S.S.I. 2004/332, 2007/268 and 2009/220.

(a) omit "and to appeals against listed building enforcement notices and conservation area enforcement notices served by the Secretary of State";

(b) omit "or, as the case may be, to appeals against such notices,"; and

(c) omit paragraph (d).

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

3.—(1) The Town and Country Planning (Miscellaneous Amendments) (Scotland) Regulations 2009(**a**) are amended in accordance with paragraph (2).

(2) In regulation 3—

(a) in paragraph (1) for "Subject to paragraph (6), the" substitute "The"; and

(b) omit paragraphs (2), (3) and (6).

Saving provisions

4.—(1) The 1992 Regulations continue to have effect as they had effect immediately before 1st December 2011 in relation to an appeal made under—

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

(b) 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),

in respect of which notice is given to the Scottish Ministers under section 35(2) of the Listed Buildings Act before that date.

(2) The 1992 Regulations continue to have effect as they had effect immediately before 3rd August 2009 in relation to an appeal made under section 130 or 180 of the Town and Country Planning (Scotland) Act 1997(**b**) in respect of which notice is given to the Scottish Ministers under section 130(2) or 180(2) of that Act before that date.

AILEEN CAMPBELL
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
27th October 2011

(**a**) S.S.I. 2009/220.
(**b**) 1997 c.8.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Town and Country Planning (Enforcement of Control) (No. 2) (Scotland) Regulations 1992 ("the 1992 Regulations") to remove provisions relating to the submission of statements in appeals against listed building enforcement notices and conservation area enforcement notices (regulation 2).

Regulation 3 amends the Town and Country Planning (Miscellaneous Amendments) (Scotland) Regulations 2009 to remove provisions of those Regulations which will be redundant upon the revocation of regulations 5 and 6 of the 1992 Regulations. The savings provisions for appeals made under sections 130 and 180 of the Town and Country Planning (Scotland) Act 1997 before 3rd August 2009 are revoked by regulation 3 and replaced and restated in regulation 4(2). Regulation 4(1) makes savings provisions in relation to appeals made under section 35 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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