STATUTORY INSTRUMENTS

1985 No. 1631 (C. 38) (S. 128)

TOWN AND COUNTRY PLANNING, SCOTLAND

The Town and Country Planning (Minerals) Act 1981 (Commencement No. 3) Order 1985

Made - - - - *23rd October* 1985

In exercise of the powers conferred on me by section 35 of the Town and Country Planning (Minerals) Act 1981 (**a**), and of all other powers enabling me in that behalf, I hereby make the following order:—

1. This order may be cited as the Town and Country Planning (Minerals) Act 1981 (Commencement No. 3) Order 1985.

2. The provisions of the Town and Country Planning (Minerals) Act 1981 which are specified in column 1 of the Schedule to this order and which relate to the subject matter specified in column 2 thereof shall come into force on 30th October 1985.

George Younger,
One of Her Majesty's Principal Secretaries of State.

New St Andrew's House,
Edinburgh.
23rd October 1985.

(**a**) 1981 c.36.

SCHEDULE

Provisions of the Act	Subject matter of the provisions
Section 29	Special compensation provisions in respect of orders made under section 42 of the Town and Country Planning (Scotland) Act 1972 (a) where mineral compensation requirements are satisfied;
Section 30 in so far as it inserts section 159B into the Town and Country Planning (Scotland) Act 1972	Compensation where an order is made under section 49, 49A or 49B to be on a special basis where mineral compensation requirements are satisfied;
Section 31	Mineral compensation modifications;
Section 34 in so far as it applies to the provisions of Schedule 2 which are specified below. paragraphs 4, 5 and 6; In paragraph 11— (a) in subparagraph *(c)* the definition of "mineral compensation modifications"; (b) subparagraph *(d)*; (c) in subparagraph *(e)* the definitions of "restriction on the winning and working of minerals" and of "special consultations".	Consequential amendments to the Town and Country Planning (Scotland) Act 1972 as contained in Schedule 2 of the Act.

(a) 1972 c.52.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order brings into operation in Scotland certain provisions of the Town and Country Planning (Minerals) Act 1981, including consequential amendments to the Town and Country Planning (Scotland) Act 1972. The following provisions of the Act are brought into operation by this order:—

(a) Section 29, which inserts into the Town and Country Planning (Scotland) Act 1972 a new section (section 153A) which provides that where a planning permission relating to the winning and working of minerals is modified by an order made under section 42 of the Town and Country Planning (Scotland) Act 1972 and the mineral compensation requirements specified in the new section are satisfied, the compensation payable shall be on a special basis;

(b) Section 30 in so far as it inserts a new section 159B in the Town and Country Planning (Scotland) Act 1972; the new section provides that where an order is made under section 49 of the Town and Country Planning (Scotland) Act 1972 (order requiring discontinuance of use or alteration or removal of buildings or works) or section 49A or 49B of the 1972 Act (order prohibiting resumption of mineral working or order requiring steps to be taken for the protection of the environment following temporary suspension of mineral working, respectively) and the mineral compensation requirements specified in the new section are satisfied, the compensation payable shall be on a special basis;

(c) Section 31, which inserts into the 1972 Act:

(i) a new section 167A which provides that the Secretary of State may, with the consent of the Treasury, make regulations providing for the circumstances in which, where mineral compensation requirements are satisfied, the compensation payable under the 1972 Act in respect of orders made under the statutory powers referred to in subsection (1) of section 167A which relate to mineral working shall not be payable or shall be payable on a modified basis set out in the regulations; and defines the term "mineral compensation modifications";

(ii) A new section 167B which defines the term "special consultations"; and

(iii) a new section 167C which defines the terms "restriction on the winning and working of minerals" and "relevant order"; and

(d) certain provisions in Schedule 2 as specified in the order (consequential amendments to the Town and Country Planning (Scotland) Act 1972).

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(*This Note is not part of the Order.*)

The following provisions of the Act have been brought into force by commencement order made before the date of this Order:—

Provisions	*Date of Commencement*	*S.I. No.*
Section 34 (partially) (as to England, Wales and Scotland)	22.2.1982	1982/86
Section 2 (partially), sections 4, 5, 6, 7 and 12 (as to England and Wales)	22.2.1982	1982/86
Sections 21, 22, 23 and 24 (as to Scotland)	22.2.1982	1982/86
Sections 13, 15 (partially), 16 and 34 (partially), (as to England and Wales)	17.9.1982	1982/1177

SI 1985/1631
ISBN 0-11-057631-4

