SCOTTISH STATUTORY INSTRUMENTS

2016 No. 421

TOWN AND COUNTRY PLANNING

The Town and Country Planning (Miscellaneous Amendments and Transitional Saving Provision) (Scotland) Order 2016

Made - - - -	*13th December 2016*
Laid before the Scottish Parliament	*15th December 2016*
Coming into force - -	*10th February 2017*

The Scottish Ministers make the following Order, in exercise of the powers conferred by sections 26(2)(f), 30, 31, 275(2B) and 275(8) 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) This Order may be cited as the Town and Country Planning (Miscellaneous Amendments and Transitional Saving Provision) (Scotland) Order 2016 and comes into force on 10th February 2017.

(2) In this Order—

"the Permitted Development Order" means the Town and Country Planning (General Permitted Development) (Scotland) Order 1992(**b**); and

"the Use Classes Order" means the Town and Country Planning (Use Classes) (Scotland) Order 1997(**c**).

Amendments to the Permitted Development Order

2.—(1) The Permitted Development Order is amended in accordance with the following paragraphs.

(2) In Part 3 (changes of use) of schedule 1, after sub-paragraph (2) of class 13 insert—

"**Class 13A. Development consisting of a change of use of a building or land to a use within-**

(a) class 1 (shops); or

(b) class 2 (financial, professional and other services)

from a use as a betting office or pay day loan shop.".

(**a**) 1997 c.8 ("the 1997 Act"). Section 275(2A) was inserted by section 54(16)(a) of the Planning etc. (Scotland) Act 2006 (asp 17) and was renumbered as section 275(2B) by paragraph 32 of schedule 3 of the Regulatory Reform (Scotland) Act 2014 (asp 3). There are other amendments to the 1997 Act which are not relevant to this Order.

(**b**) S.I. 1992/223, which was relevantly amended by S.I. 1997/3060.

(**c**) S.I. 1997/3061, which was relevantly amended by S.S.I. 1999/1.

(3) In the interpretation section of Part 3(**a**)—

(a) after "For the purposes of Part 3—" insert—

""pay day loan shop" has the meaning given in article 3(6) of the Use Classes Order(**b**) ";

(b) for "and "Class 13"" substitute ", "Class 13" and "Class 13A""; and

(c) for "four" substitute "five".

Amendments to the Use Classes Order

3.—(1) The Use Classes Order is amended in accordance with the following paragraphs.

(2) In article 3(5) (exclusion from use classes)—

(a) omit "or" occurring after sub-paragraph (i); and

(b) after sub-paragraph (k) insert(**c**)—

"(l) as a betting office; or

(m) as a pay day loan shop.".

(3) After article 3(5), insert—

"(6) In this article—

"high-cost short-term credit" has the meaning given in the edition of the Financial Conduct Authority's Handbook which came into effect on 1st April 2014 (following an amendment by the Authority in the Consumer Credit (Consequential and Supplementary Amendments) Instrument 2014(**d**)); and

"pay day loan shop" means premises—

(a) from which high-cost short-term credit is provided principally to visiting members of the public and includes premises from which such credit is provided in addition to other financial or professional services; and

(b) which, but for provision made in this article, would fall within class 2 (financial, professional and other services) of the schedule of this Order.".

(4) In the schedule (use classes), in sub-paragraph (c) of class 2 (financial, professional and other services) omit "(including use as a betting office)".

Transitional saving provision for premises in the process of conversion to use as a betting office

4.—(1) The Use Classes Order continues to have effect, in respect of a change of use of a building to use as a betting office, as if it had not been amended by this Order if—

(a) such change of use occurs before 10th February 2020; and

(b) at the time that such change of use occurs the building is authorised to be used for the provision of facilities for betting by a betting premises licence, within the meaning of Part 8 of the Gambling Act 2005(**e**), issued before 10th February 2017 in relation to the building.

(**a**) The interpretation section was amended by S.I. 1997/3060.
(**b**) The definition of "pay day loan shop" is inserted by article 3(3) of this Order.
(**c**) Sub-paragraph (k) was inserted by S.S.I. 1999/1.
(**d**) FCA 2014/12, which can be found at http://media.fshandbook.info/Legislation/2014/FCA_2014_12.pdf A copy of the Financial Conduct Authority's Handbook may be viewed online at https://www.handbook.fca.org.uk/handbook.
(**e**) 2005 c.19.

(2) In this article, "pay day loan shop" has the meaning given in article 3(6) of the Use Classes Order.

KEVIN STEWART
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
13th December 2016

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 ("the Permitted Development Order") and the Town and Country Planning (Use Classes) (Scotland) Order 1997 ("the Use Classes Order").

The Permitted Development Order permits certain classes of development without the need to apply to the planning authority for express planning permission under the Town and Country Planning (Scotland) Act 1997 ("the 1997 Act"). These permitted development rights include rights for various changes of use of a building. This Order amends the Permitted Development Order by providing a new permitted development right to allow a change of use to a shop and financial, professional and other services from a betting office or pay day loan shop.

The Use Classes Order specifies classes for the purposes of section 26(2)(f) of the 1997 Act which provides that a change of use of a building or other land does not involve development for the purposes of the 1997 Act if the new use and the former use are both within the same specified class. This Order amends the Use Classes Order by providing that use as a betting office and use as a pay day loan shop are included in article 3(5) of the Use Classes Order: the list of uses excluded from the specified classes.

Article 4 of this Order makes transitional saving provision in relation to premises which at the date of coming into force of this Order are in the process of converting to a betting office. The transitional saving provision is that: for 3 years after this Order comes into force, the Use Classes Order continues to have effect in relation to such premises as if it had not been amended by this Order.

A Business and Regulatory Impact Assessment has been prepared in relation to this Order and has been placed in the Scottish Parliament Information Centre. Copies can be obtained free of charge from the Scottish Government Planning Directorate, Area 2H, Victoria Quay, Edinburgh, EH6 6QQ.

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