1970 No. 1034 (C.25) (S.76)

TOWN AND COUNTRY PLANNING, SCOTLAND

The Town and Country Planning (Scotland) Act 1969 (Commencement No. 3) Order 1970

Made - - - - 10*th July* 1970

In exercise of the powers conferred on me by section 104 of the Town and Country Planning (Scotland) Act 1969(a), I hereby make the following order:—

1.—(1) This order may be cited as the Town and Country Planning (Scotland) Act 1969 (Commencement No. 3) Order 1970.

(2) In this order:—

"the Act" means the Town and Country Planning (Scotland) Act 1969;

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

"the 1959 Act" means the Town and Country Planning (Scotland) Act 1959(c).

2. The provisions of the Act specified in the first column of the Schedule to this order (which relate to the matters specified in the second column thereof) shall come into operation in the whole of Scotland on 3rd August 1970.

Gordon Campbell,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh.
10th July 1970.

(a) 1969 c. 30.
(b) 1947 c. 53.
(c) 1959 c. 70.

SCHEDULE Article 2

PROVISIONS COMING INTO OPERATION ON 3RD AUGUST 1970

Column 1 Provisions of the Act	Column 2 Subject matter of Provisions
Part V	Buildings of Architectural or Historic Interest.
Section 105	Adaptation, amendment and modification of enactments so far as it relates to those paragraphs of Schedule 9 to the Act specified below.
Section 106	Transitional provisions and savings so far as it relates to those paragraphs of Schedule 10 to the Act specified below.
Section 107	Repeals so far as relating to those provisions of Schedule 11 to the Act specified below.
Schedule 4	Control of Works for Demolition, Alteration or Extension of Listed Buildings.
In Schedule 9, paragraph 15	Amendment of section 28(4) of the 1947 Act (duty to notify owner etc. of building when it has become, or ceased to be, listed).
In Schedule 9, paragraph 20	Amendment of section 38(5) of the 1947 Act (acquisition by agreement of buildings of architectural or historic interest).
In Schedule 9, paragraph 25(*a*) in relation to the reference to section 27 of the 1947 Act and section 44 of the Act; paragraph 25(*b*); and paragraph 25(*c*) so far as it relates to enforcement notices under section 44 of the Act.	Amendment of provisions as to service of enforcement notices in respect of Crown land.
In Schedule 9, paragraph 27 so far as it relates to Part V of the Act.	Extension of power in section 93 of the 1947 Act (for Ministers to make contributions towards compensation paid by local authorities) to decisions under Part V of the Act.
In Schedule 9, paragraph 28 so far as it relates to Part V and Schedule 4 to the Act.	Extension of power under section 94 of the 1947 Act (for local authorities or statutory undertakers to make contributions towards expenses incurred by other authorities) to expenses in performing functions under Part V of and Schedule 4 to the Act.
In Schedule 9, paragraph 30 so far as it relates to enforcement notices under section 44 of the Act.	Default powers of the Secretary of State under section 96 of the 1947 Act to apply to enforcement notices under section 44 of the Act.

Column 1 Provisions of the Act	Column 2 Subject matter of Provisions
In Schedule 9, paragraph 31 so far as it relates to listed buildings and buildings proposed to be listed.	Rights of entry under the 1947 Act to apply in connection with notices etc. under Part V of the Act.
In Schedule 9, paragraph 32 so far as it relates to Part V of the Act.	Extension of provision (in section 105 of the 1947 Act) as to determination of claims for compensation, to claims under Part V of the Act.
In Schedule 9, paragraph 35 so far as it relates to Part V of the Act.	Extension of provision (in paragraph 1 of Schedule 4 to the 1947 Act) as to compensation for depreciation in the value of land, to compensation under Part V of the Act.
In Schedule 9, paragraph 37.	Extension of section 17(2) of the Building (Scotland) Act 1959(a) (restriction on demolition requirement or on requirement as to operations to be carried out) to building preservation notices under section 48 of the Act.
In Schedule 9, paragraph 38(*a*) so far as it relates to:— (*l*) any Order under Part II of Schedule 4 to the Act.	Extension of section 31 of the 1959 Act (orders and actions which are the subject of special provisions as to challenge) to orders concerning revocation or modification of listed building consent.
In Schedule 9, paragraph 38(*b*) so far as it relates to the following decisions of the Secretary of State under the Act:— (*j*) to confirm a purchase notice under section 42 of the Act or not to confirm such a notice; (*l*) on an application referred to him under paragraph 3 of Schedule 4 to the Act, being an application for listed building consent for any works; (*m*) on an appeal to him under paragraph 6 or Part IV of Schedule 4 to the Act; and (*n*) under paragraph 17(5)(*a*) of Schedule 4 to the Act to grant listed building consent for any works or under paragraph 17(5)(*b*) of that Schedule to grant planning permission in respect of any works.	Extension of section 31 of the 1959 Act (orders and actions which are the subject of special provisions as to challenge) to decisions concerning purchase notices and applications for listed building consent under Part V of the Act.
In Schedule 9, paragraph 43	Amendment of section 18 of the Housing (Scotland) Act 1966(b) (provisions as to houses subject to building preservation orders etc.).

(a) 1959 c. 24.

(b) 1966 c. 49.

Column 1 Provisions of the Act	Column 2 Subject matter of Provisions
In Schedule 9, paragraph 44	Amendment of section 25(3)(*c*) of the Local Government (Scotland) Act 1966(a) (exemption from rating of unoccupied property).
In Schedule 9, paragraph 47	Amendment of section 3 of the Civic Amenities Act 1967(b) (acts causing or likely to result in damage to listed buildings) consequential on the provisions of Part V of the Act.
In Schedule 9, paragraph 48	Amendment of section 6 of the Civic Amenities Act 1967 (works to preserve listed buildings etc.) consequential on the provisions of Part V of the Act.
In Schedule 9, paragraph 49	Amendment of section 8 of the Civic Amenities Act 1967 (management of buildings acquired under section 38 of the 1947 Act) consequential on the provisions of Part V of the Act.
In Schedule 10, paragraphs 16, 17 and 18	Transitional provisions in relation to buildings of architectural or historic interest.
In Schedule 11, the entries relating to:— (*a*) the 1947 Act, sections 27, 28, 38, 83(3)(*b*), 96 and 113 (so far as relating to the definition of building preservation order); (*b*) the 1959 Act, in section 31, subsections (3)(*d*), (4)(*d*), (5) and (10); (*c*) the Civic Amenities Act 1967, sections 1(6), 2, 6(2), 7, 9 and 10; and (*d*) the Town and Country Planning Act 1968(c) in Schedule 9, paragraph 71(*c*).	Repeals consequential upon the bringing into operation of the foregoing provisions of the Act.

EXPLANATORY NOTE

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

This Order brings into force for the whole of Scotland the provisions of the Town and Country Planning (Scotland) Act 1969 which are set out in the Schedule to the Order.

(a) 1966 c. 51. (b) 1967 c. 69. (c) 1968 c. 72.

SI 1970/1034
ISBN 0-11-001034-5

