

# PLANNING ETC. (SCOTLAND) ACT 2006

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## EXPLANATORY NOTES

### THE ACT – SECTION BY SECTION

#### Part 8 – Financial Provisions

##### *Section 31 – Fees and charges*

185. **Section 31(a)** substitutes new provisions in place of subsection (1) of section 252 of the 1997 Act. New subsection (1) gives the Scottish Ministers powers to make regulations which provide for fees and charges in relation to the performance of a planning authority's functions, and anything done by the authority in relation to the performance of those functions. New subsection (1A) gives regulation making powers to set out the procedural details. New subsection (1B) confirms that different provisions may be made for different classes of case under subsection (1A)(d), including different provisions for applications made after development has been carried out.
186. **Section 31(b)** substitutes new provisions in place of subsections (3) to (5) of section 252 in the 1997 Act. New subsection (3) gives regulation making powers that cover the remission or refunding of charges or fees, and new subsection (4) explains that the circumstances in which Scottish Ministers can prescribe using these powers include those where they or an appointed person consider that the planning authority have behaved unreasonably, or there has been unreasonable delay. New subsections (5) and (6) provide that the regulations made under subsection (1) are subject to affirmative resolution of the Scottish Parliament unless they relate to cost of living based increases, or specify who is to make the calculation of fees or charges. New subsections (7) and (8) require the planning authority to secure that the income from fees and charges does not exceed the cost of performing the related functions, taking one financial year with another.