

## SCHEDULE 2 MINOR AND CONSEQUENTIAL AMENDMENTS AND REPEALS

### PART 3

#### DEVELOPMENT MANAGEMENT

##### *Duration of planning permission*

- 6 (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 37 (determination of applications: general considerations), in subsection (1)(a), for “and 59(1)(b)” substitute “, 58 and 59”.
- (3) In section 60 (provisions supplementary to sections 58 and 59) in subsection (1), in the opening words, for “58(2) and (3A)(b) and 59(5)” substitute “58(1)(b) and (3A)(b) and 59(2A)(b) and (2D)(b)”.
- (4) In section 71 (order requiring discontinuance of use or alteration or removal of buildings or works), in subsection (7), for “58(2) and (3A)(b) and 59(5)” substitute “58(1)(b) and (3A)(b) and 59(2A)(b) and (2D)(b)”.
- (5) In section 88 (circumstances in which purchase notices may be served), in subsection (5), for “provisions of” substitute “conditions referred to in”.
- (6) In section 232 (right of compensation in respect of certain decisions and orders), in subsection (7), for “provisions of” substitute “conditions referred to in”.

##### *Schemes of delegation and local review*

- 7 (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 39 (declining to determine an application), in subsection (2A)—
- (a) in the opening words, for “43A(5)” substitute “43AA(2)”,
  - (b) in paragraph (a), for “43A(8)” substitute “43AC”,
  - (c) in paragraph (c), for “43A(8)(c)” substitute “43AC(1)(e)”.
- (3) In section 43B (matters which may be raised in a review under section 43A(8)), in subsection (1), for “43A(8)” substitute “43AC (other than one required by virtue of paragraph (e) of subsection (1))”.
- (4) The section title of section 43B becomes “**Matters which may be raised in a review under section 43AC**”.
- (5) In section 46 (call-in of applications), in subsection (2)(ab), for “43A(8)” substitute “43AC”.
- (6) In section 237 (validity of development plans and certain orders, decisions and directions), in subsection (3A)—
- (a) the words “(other than a deemed decision)” are repealed,
  - (b) for “43A(8)” substitute “43AC”.
- (7) In section 277 (interpretation), in subsection (5)—
- (a) in paragraph (ba), for “43A(8)(a) or (b)” substitute “43AC(1)(a) to (d)”,

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*Status: This is the original version (as it was originally enacted).*

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- (b) in paragraph (ca), for “43A(8)(c)” substitute “43AC(1)(e)”,
- (c) in paragraph (da)(i), for “43(8)(a) or (b)” substitute “43AC(1)(a) to (d)”,
- (d) in paragraph (da)(ii)—
  - (i) for “43A(8)(c)” substitute “43AC(1)(e)”,
  - (ii) for “43A(9)” substitute “43AC(3)”.

#### *Development orders*

- 8 (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 78 (apportionment of compensation for depreciation), in subsection (2)(b), the words “or, in a case falling within section 77, the relevant planning decision,” are repealed.
  - (3) In section 214 (meaning of “statutory undertakers”)—
    - (a) in subsection (4), and
    - (b) in subsection (7)(a),the words “77(3),” are repealed.
  - (4) In section 215 (meaning of “operational land”), in subsection (3), the words “77(3),” are repealed.
  - (5) In schedule 18, in Part 1, for “77” substitute “77A”.