



# Town and Country Planning (Scotland) Act 1972

## 1972 CHAPTER 52

### PART XII

#### VALIDITY OF PLANNING INSTRUMENTS AND DECISIONS AND PROCEEDINGS RELATING THERETO

#### **231 Validity of development plans and certain orders, decisions and directions**

- (1) Except as provided by the following provisions of this Part of this Act, the validity of—
- (a) a structure plan, a local plan or any alteration, repeal or replacement of any such plan, whether before or after the plan, alteration, repeal or replacement has been approved or adopted; or
  - (b) an order under any provision of Part X of this Act, except section 203(1)(a), whether before or after the order has been made; or
  - (c) an order under section 224 of this Act, whether before or after the order has been made; or
  - (d) any such order as is mentioned in subsection (2) of this section, whether before or after it has been confirmed; or
  - (e) any such action on the part of the Secretary of State as is mentioned in subsection (3) of this section,
- shall not be questioned in any legal proceedings whatsoever.
- (2) The orders referred to in subsection (1)(d) of this section are orders of any of the following descriptions, that is to say—
- (a) any order under section 42 of this Act or under the provisions of that section as applied by or under any other provision of this Act;
  - (b) any order under section 49 of this Act;
  - (c) any tree preservation order;
  - (d) any order made in pursuance of section 61(4) of this Act;

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*Status: This is the original version (as it was originally enacted).*

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- (e) any order under section 203(1)(a) of this Act;
  - (f) any order under Part II of Schedule 10 to this Act.
- (3) The action referred to in subsection (1)(e) of this section is action on the part of the Secretary of State of any of the following descriptions, that is to say—
- (a) any decision of the Secretary of State on an application for planning permission referred to him under section 32 of this Act;
  - (b) any decision of the Secretary of State on an appeal under section 33 of this Act;
  - (c) the giving by the Secretary of State of any direction under section 35 of this Act;
  - (d) any decision by the Secretary of State to confirm a completion notice under section 41 of this Act;
  - (e) any decision of the Secretary of State relating to an application for consent under a tree preservation order, or relating to an application for consent under any regulations made in accordance with section 61 of this Act, or relating to any certificate or direction under any such order or regulations, whether it is a decision of the Secretary of State on appeal or a decision on an application referred to him for determination in the first instance;
  - (f) any decision of the Secretary of State on an appeal to him under section 85(1)(a), (f) or (g) of this Act against any enforcement notice;
  - (g) any decision of the Secretary of State on an application for an established use certificate referred to him under subsection (1) of section 91 of this Act or on an appeal under subsection (2) of that section;
  - (h) any decision of the Secretary of State under subsection (5)(a) of section 93 of this Act to grant listed building consent for any works or under subsection (5)(b) of that section to grant planning permission in respect of any works;
  - (i) any decision of the Secretary of State to confirm a purchase notice or listed building purchase notice;
  - (j) any decision of the Secretary of State not to confirm a purchase notice or listed building purchase notice, including any decision not to confirm such a notice in respect of part of the land to which it relates, and including any decision to grant any permission, or give any direction, in lieu of confirming such a notice, either wholly or in part;
  - (k) any decision of the Secretary of State on an application referred to him under paragraph 4 of Schedule 10 to this Act (being an application for listed building consent for any works) or on an appeal under paragraph 8 of that Schedule or section 93 of this Act.
- (4) Nothing in this section shall affect the exercise of any jurisdiction of any court in respect of any refusal or failure on the part of the Secretary of State to take any such action as is mentioned in subsection (3) of this section.