

**Changes to legislation:** There are currently no known outstanding effects for the Planning (Consequential Provisions) (Scotland) Act 1997, SCHEDULE 3. (See end of Document for details)

## SCHEDULES

### SCHEDULE 3

Section 5.

#### TRANSITIONAL PROVISIONS AND SAVINGS

##### Modifications etc. (not altering text)

**C1** Sch. 3 modified (27.5.1997) by 1997 c. 8, ss. 247, 278(2)

- 1 (1) The repeal by this Act of a provision relating to the coming into force of a provision reproduced in the consolidating Acts does not affect the operation of that provision, in so far as it is not specifically reproduced in the consolidating Acts but remains capable of having effect, in relation to the corresponding provision of the consolidating Acts.
- (2) The repeal by this Act of a power to make provision or savings in preparation for or in connection with the coming into force of a provision reproduced in the consolidating Acts does not affect the power, in so far as it remains capable of having effect, in relation to the enactment reproducing the second provision.
- 2 (1) The repeal by this Act of an enactment previously repealed subject to savings does not affect the continued operation of those savings.
- (2) The repeal by this Act of a saving to which a previous repeal of an enactment is subject does not affect the operation of the saving in so far as it is not specifically reproduced in the consolidating Acts but remains capable of having effect.
- 3 Without prejudice to the generality of paragraphs 1 and 2, notwithstanding the repeal by this Act of Schedule 22 to the 1972 Act, the provisions of that Schedule shall continue to have effect, in so far as they are not specifically reproduced in this Schedule and remain capable of having effect, with any reference in those provisions to any provision of the repealed enactments which is reproduced in the consolidating Acts being taken, so far as the context permits, as including a reference to the corresponding provision of those Acts.
- 4 The repeal by this Act of an enactment which has effect as respects any provision of the repealed enactments (being a provision which is not reproduced in the consolidating Acts but continues in effect by virtue of this Schedule or the <sup>M1</sup>Interpretation Act 1978) does not affect its operation as respects that provision.

##### Marginal Citations

**M1** 1978 c. 30.

- 5 Any document made, served or issued after this Act comes into force which contains a reference to any of the repealed enactments shall be construed, except so far as a contrary intention appears, as referring or, as the context may require, including a reference to the corresponding provision of the consolidating Acts.

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- 6 Where any provision of the repealed enactments amends an enactment (not being an enactment reproduced in the consolidating Acts) which is repealed or partly repealed by another enactment which is not in force when this Act comes into force, that provision shall continue to have effect, notwithstanding its repeal by this Act, but subject to section 2(4) of this Act.
- 7 In any regulations in force under section 88 of the 1972 Act (execution and cost of works required by enforcement notice) references to an enforcement notice, and an enforcement notice a copy of which has been served in respect of any breach of planning control, include a reference to a notice served under section 99 of that Act or section 168 of the principal Act (enforcement of duties as to replacement of trees).
- 8 The expressions “local authority” and “statutory undertakers” in any provision of the consolidating Acts shall, as respects any time when the corresponding provision in the repealed enactments (or any enactment replaced by them) was in force, have the same meanings as those expressions had at that time in that provision.
- 9 Notwithstanding the repeal by this Act of section 172 of the <sup>M2</sup>Local Government (Scotland) Act 1973, the amendments made by subsection (2) of that section (under which, in the term “local planning authority”, wherever it occurs in any enactment or instrument made under or by virtue of an enactment, the word “local” is omitted) shall continue to have effect.

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**Marginal Citations**

**M2** 1973 c. 65.

- 10 (1) The repeal by this Act of section 1(8) of the <sup>M3</sup>Town and Country Planning Act 1984 (which validates certain permissions granted in respect of Crown land before 12th August 1984) shall not affect any permission to which that section applies immediately before the date on which the principal Act comes into force (and accordingly any such permission has effect and is deemed always to have had effect as provided in section 248(3) of the principal Act).
- (2) The repeal by this Act of section 2(7) of that Act of 1984 (which makes similar provision as to tree preservation orders) shall not affect any order to which that section applies immediately before the date on which the principal Act comes into force (and accordingly any such order has effect and is deemed always to have had effect as provided in section 249(3) of the principal Act).
- (3) The repeal by this Act of section 1(8) of that Act of 1984 (which makes similar provision as to listed building consents and conservation area consents) shall not affect any order to which that section applies immediately before the date on which the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 comes into force (and accordingly any such consent has effect and is deemed always to have had effect as provided in section 75(3) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997).

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**Marginal Citations**

**M3** 1984 c. 10.

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- 11 In relation to any area which, on 1st April 1992, was designated as a National Scenic Area under section 262C of the 1972 Act, that section shall continue to apply as it had effect immediately prior to that date, and the area shall continue to be so designated until the designation is cancelled under subsection (1) of that section.
- 12 The repeal by this Act of section 4 of the <sup>M4</sup>Town and Country Planning (Costs of Inquiries etc.) Act 1995 (which validates certain payments etc. in connection with inquiries and hearings under section 8 of the <sup>M5</sup>Town and Country Planning (Scotland) Act 1969 and section 11 of the 1972 Act held before 8th November 1995) shall not affect the operation of that section in relation to any such inquiry or hearing.

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**Marginal Citations**

**M4** 1995 c. 49.

**M5** 1969 c. 30.

- 13 (1) Where the functions of a Minister under any enactment re-enacted or referred to in this Act have at any time been exercisable by another Minister or other Ministers, references in the relevant provision of this Act shall, as respects any such time, be construed as references to the other Minister or Ministers.
- (2) In this paragraph “Minister” includes the Board of Trade and the Treasury.
- 14 Section 16 of, and paragraph 7(5) to (7) of Schedule 5 to, the principal Act shall have effect in relation to the performance of functions in relation to inquiries and hearings before as well as after 8th November 1995 (the date when the <sup>M6</sup>Town and Country Planning (Costs of Inquiries etc.) Act 1995 was passed).

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**Marginal Citations**

**M6** 1995 c. 49.

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