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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 101 (C.12 )**

**TOWN AND COUNTRY PLANNING**

**The Planning and Compulsory Purchase Act 2004  
(Commencement No. 1) (Scotland) Order 2006**

*Made - - - - 3rd March 2006*

The Scottish Ministers, in exercise of the powers conferred by sections 121(4) and 122(3) of the Planning and Compulsory Purchase Act 2004<sup>(1)</sup> hereby make the following Order:

**Citation and extent**

1.—(1) This Order may be cited as the Planning and Compulsory Purchase Act 2004 (Commencement No. 1) (Scotland) Order 2006.

(2) This Order extends to Scotland only.

**Appointed day**

2. The provisions of the Planning and Compulsory Purchase Act 2004 which are specified in column 1 of the Schedule to this Order (and the subject matter of which is described in column 2 of that Schedule) shall come into force on 20th March 2006 but, where a particular purpose is specified in relation to any provision in column 3 of that Schedule, that provision shall come into force on that day only for that purpose.

St Andrew's House,  
Edinburgh  
3rd March 2006

*MALCOLM CHISHOLM*  
A member of the Scottish Executive

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## SCHEDULE

<i>Column 1</i> <i>Provisions of the Act</i>	<i>Column 2</i> <i>Subject Matter</i>	<i>Column 3</i> <i>Purpose</i>
Section 92(1)	Urgent Crown Development: Scotland	Only for the purpose of enabling provision to be made by development order.
Section 93(1)	Urgent works relating to Crown land: Scotland	Only for the purpose of enabling regulations to be made.
Section 98	Subordinate legislation: Scotland	
Section 119(2)	Transitionals	
Schedule 5 paragraphs 6 to 8, paragraphs 10 to 11 and paragraph 13	Crown application: Scotland	Only for the purposes of enabling rules, regulations, development order or other order to be made

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force on 20th March 2006 certain provisions of the Planning and Compulsory Purchase Act 2004 (“the Act”) and as specified in the Schedule for the limited purposes of enabling the Scottish Ministers to make, or to make provision by means of, subordinate legislation.

The Order also brings into force on 20th March 2006 certain provisions for all purposes. Section 98 of the Act empowers the Scottish Ministers to provide by order that relevant subordinate legislation applies to the Crown or to modify subordinate legislation for the purposes of such application. Section 119(2) enables the Scottish Ministers to make certain transitional provision for Scotland.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Act have been brought into force by commencement orders made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1 to 3 (partially)	6th August 2004	<a href="#">2004/2097</a>
Sections 1 to 3 as to England (in so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 4 as to England	28th September 2004	<a href="#">2004/2202</a>
Section 5 (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 5 as to England (in so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Sections 6 and 7 as to England	28th September 2004	<a href="#">2004/2202</a>
Section 8 (partially)	6th August	<a href="#">2004/2097</a>
Section 8 as to England (in so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Section 9 as to England	28th September 2004	<a href="#">2004/2202</a>
Sections 10 to 15 (partially)	6th August 2004	<a href="#">2004/2097</a>
Sections 10 to 15 as to England (in so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Section 16 (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 16 as to England (in so far as not already in force)	28th September	<a href="#">2004/2202</a>
Section 17 (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 17 as to England (in so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Section 18 as to England	28th September 2004	<a href="#">2004/2202</a>
Sections 19 to 22 (partially)	6th August 2004	<a href="#">2004/2097</a>
Sections 19 to 22 as to England (in so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Section 23 as to England	28th September 2004	<a href="#">2004/2202</a>
Sections 24 to 26 (partially)	6th August 2004	<a href="#">2004/2097</a>
Sections 24 to 26 as to England (in so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Section 27 as to England	28th September 2004	<a href="#">2004/2202</a>
Sections 28 and 29 (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 28 and 29 as to England (in so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Section 30 as to England	28th September 2004	<a href="#">2004/2202</a>
Section 31 (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 31 as to England (in so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Section 32 to 34 as to England	28th September 2004	<a href="#">2004/2202</a>

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 35 and 36 (partially)	6th August 2004	<a href="#">2004/2097</a>
Sections 35 and 36 as to England (in so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Sections 37 to 39 as to England	28th September 2004	<a href="#">2004/2202</a>
Sections 40 to 42 (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 43 (partially)	24th August 2005	<a href="#">2005/2081</a>
Section 44 (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 44 (in so far as not already in force)	24th August 2005	<a href="#">2005/2081</a>
Sections 46 to 50 (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 51	24th August 2005	<a href="#">2005/2081</a>
Sections 52 to 54 (partially)	6th August 2004	<a href="#">2004/2097</a>
Sections 52 and 53 as to England (in so far as not already in force)	7th March 2005	<a href="#">2005/204</a>
Section 54 (in so far as not already in force)	25th August 2005	<a href="#">2005/2081</a>
Sections 55 as to England (in so far as not already in force)	1st April 2005	<a href="#">2005/204</a>
Section 56 as to England and Wales	28th September 2004	<a href="#">2004/2202</a>
Section 57 (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 57 as to England and Wales (in so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Section 58 as to England and Wales	28th September 2004	<a href="#">2004/2202</a>
Section 59 (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 59 as to England and Wales (in so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Sections 79 to 83 (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 88 (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 91 (partially)	6th August 2004	<a href="#">2004/2097</a>
Sections 100 and 101 (partially)	6th August 2004	<a href="#">2004/2097</a>
Sections 99 to 110 as to England and Wales (in so far as not already in force)	31st October 2004	<a href="#">2004/2593</a>

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 111(2) as to England and Wales	31st October 2004	<a href="#">2004/2593</a>
Section 113 as to England	28th September 2004	<a href="#">2004/2202</a>
Section 114 as to England (partially)	28th September 2004	<a href="#">2004/2202</a>
Section 116 (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 116 (in so far as not already in force)	25th August 2005	<a href="#">2005/2081</a>
Section 117(1) to (7) (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 117(1) to (7) as to England and Wales (in so far as not in force)	28th September 2004	<a href="#">2004/2202</a>
Section 118 except subsection (2) in so far as it relates to the Town and Country Planning (Scotland) Act 1997 (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 118 except subsection (2) in so far as it relates to the Town and Country Planning (Scotland) Act 1997 (in so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Section 119 (1) (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 119(1) as to England (in so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Section 120 except in so far as it relates to the Town and Country Planning (Scotland) Act 1997, to the Planning (Hazardous Substances) (Scotland) Act 1997 or to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (partially)	6th August 2004	<a href="#">2004/2097</a>
Section 120 except in so far as it relates to the Town and Country Planning (Scotland) Act 1997, to the Planning (Hazardous Substances) (Scotland) Act 1997 or to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997	28th September 2004	<a href="#">2004/2202</a>

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Schedule 1 (partially)	6th August 2004	<a href="#">2004/2097</a>
Schedule 2 paragraph 3 (partially)	6th August 2004	<a href="#">2004/2097</a>
Schedule 2 as to England (in so far as not already in force)	1st April 2005	<a href="#">2005/204</a>
Schedule 3 paragraph 6 to 8 and 10 to 12 (partially)	6th August 2004	<a href="#">2004/2097</a>
Schedule 6 paragraphs 1, 3, 14, 16, 19, 20, 23, 24, 26 and 27 (partially)	6th August 2004	<a href="#">2004/2097</a>
Schedule 6 paragraphs 1, 8 to 13, 15, 16(1) and (2), 17 to 19, 21, 22 and 25 as to England (in so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Schedule 6 paragraph 7 as to England and Wales	31st October 2004	<a href="#">2004/2593</a>
Schedule 6 paragraph 16(4) (in so far as not already in force)	25th July 2005	<a href="#">2004/2081</a>
Schedule 6 paragraphs 20, 23, 24 and 26 as to England and Wales (in so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Schedule 7 paragraph 19 (partially)	6th August 2004	<a href="#">2004/2097</a>
Schedule 7 paragraphs 2, 3, 6, 8, 11(1) to (3), 16, 17, 19(2), 22 and 23 as to England (in so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Schedule 7 paragraphs 4, 5, 7, 9, 10(1) to (6), 11(4) and (5), 12 to 15, 18 and 21 as to England and Wales	31st October 2004	<a href="#">2004/2593</a>
Schedule 8 paragraph 4,9,17 and 18 (partially)	6th August 2004	<a href="#">2004/2097</a>
Schedule 8 as to England (so far as not already in force)	28th September 2004	<a href="#">2004/2202</a>
Schedule 9 as to England (partially)	28th September 2004	<a href="#">2004/2202</a>
Schedule 9 as to England and Wales (partially)	28th September 2004	<a href="#">2004/2202</a>
Schedule 9 as to England and Wales (partially)	31st October 2004	<a href="#">2004/2593</a>

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