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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 243 (C.22)**

**TOWN AND COUNTRY PLANNING**

**The Planning and Compulsory Purchase  
Act 2004 (Commencement No. 2 and  
Consequential Provisions) (Scotland) Order 2006**

*Made* - - - - *6th May 2006*  
*Coming into force* - - *11th May 2006*

The Scottish Ministers, in exercise of the powers conferred by section 121(4) and section 122(3) of the Planning and Compulsory Purchase Act 2004(1) hereby make the following Order, a draft of which has, in accordance with section 122(9) of that Act, been laid before and approved by resolution of the Scottish Parliament:

**Citation, commencement and extent**

**1. –**

(1) This Order may be cited as the Planning and Compulsory Purchase Act 2004 (Commencement No. 2 and Consequential Provisions) (Scotland) Order 2006 and shall come into force on 11th May 2006.

(2) This Order extends to Scotland only.

**Interpretation**

**2. In this Order–**

- (a) “the 1997 Act” means the Town and County Planning (Scotland) Act 1997(2);
- (b) “the listed buildings Act” means the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997(3).

**Appointed day**

**3.** Section 92, section 93 and section 94(4) of the Planning and Compulsory Purchase Act 2004, in so far as they are not yet in force, shall come into force on 11th May 2006.

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(1) 2004 c. 5.  
(2) 1997 c. 8.  
(3) 1997 c. 9.

## Consequential provisions

### 4. –

- (1) The 1997 Act is amended as follows.
- (2) In section 55 (planning permission for development in enterprise zones), in subsection (9), after “this Part” insert “, under section 242A”.
- (3) In section 65 (power to revoke or modify planning permission), in subsection (1) after “this Part” insert “or section 242A”.
- (4) In section 67 (procedure for section 65 orders: unopposed cases), in subsection (8)(a), after “this Part” insert “, section 242A”.
- (5) In section 71 (orders requiring discontinuance of use), in subsection (3), after “this Part” insert “or section 242A”.
- (6) In section 77 (compensation for refusal or conditional grant of planning permission formerly granted by development order)–
  - (a) in subsection (1)(b), after “Part III” insert “or section 242A”;
  - (b) in paragraph (i), after “Part III” insert “or section 242A”.
- (7) In section 202 (roads affected by development: orders by the Scottish Ministers), in subsection (1)(a), after “Part III” insert “or section 242A”.
- (8) In section 207 (roads affected by development: orders by planning authorities), in subsection (1), after “Part III” insert “or section 242A”.
- (9) In section 208 (footpaths and bridleways affected by development: orders by planning authorities), in subsection (1)(a), after “Part III” insert “or section 242A”.
- (10) In section 216 (cases in which land is to be treated as not being operational land), in subsection (5)(a), after “Part III” insert “or section 242A”.
- (11) In section 254 (contributions by Ministers towards compensation paid by planning authorities) in subsection (2), after “Part III,” insert “section 242A,”.
- (12) In section 277(1) (interpretation)–
  - (a) in the definition of “planning decision”, after “Part III” insert “or section 242A”;
  - (b) in the definition of “planning permission”, after “Part III” insert “or permission granted on an application made under section 242A”.
- (13) In Schedule 11 (development not constituting new development), in paragraph 3(b), after “Part III” insert “or by virtue of section 242A”.
- (14) In Schedule 16 (procedure for making and confirming orders relating to roads and rights of way)–
  - (a) in paragraph 2(1) after “Part III” insert “or section 242A” ;
  - (b) in paragraph 2(2), after subparagraph (a) insert–
    - “(aa) that application is made under section 242A;”;
  - (c) in paragraph 3(1) after “Part III” insert “or section 242A”.

### 5. –

- (1) The listed buildings Act is amended as follows.
- (2) In section 9(1) (making of applications for listed building consent), after “sections 11 to 14” insert “or section 73B”.
- (3) In section 66(3) (control of demolition in conservation areas), after “sections 73(2) to (4),” insert “section 73B and section 73D,”.

St Andrew's House,  
Edinburgh  
6th May 2006

*MALCOLM CHISHOLM*  
A member of the Scottish Executive

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## EXPLANATORY NOTE

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

Article 3 of this Order brings into force on 11th May 2006 certain provisions of the Planning and Compulsory Purchase Act 2004 (“the 2004 Act”).

Article 4 of this Order makes consequential provisions amending the Town and Country Planning (Scotland) Act 1997 to insert references to applications, decisions, orders or planning permission granted under new section 242A (as inserted by section 92 of the 2004 Act).

Article 5 of this Order makes consequential provisions amending the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 to exclude applications made under new section 73B (as inserted by section 93(1) of the 2004 Act) from the requirements of section 9 and to apply the provisions of sections 73B and 73D to buildings in conservation areas under section 66.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The following provisions of the 2004 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>
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>

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
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>
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>

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 54 (in so far as not already in force)	25th August 2005	2005/2081
Sections 55 as to England (in so far as not already in force)	1st April 2005	2005/204
Section 56 as to England and Wales	28th September 2004	2004/2202
Section 57 (partially)	6th August 2004	2004/2097
Section 57 as to England and Wales (in so far as not already in force)	28th September 2004	2004/2202
Section 58 as to England and Wales	28th September 2004	2004/2202
Section 59 (partially)	6th August 2004	2004/2097
Section 59 as to England and Wales (in so far as not already in force)	28th September 2004	2004/2202
Sections 79 to 83 (partially)	6th August 2004	2004/2097
Section 88 (partially)	6th August 2004	2004/2097
Section 91 (partially)	6th August 2004	2004/2097
Section 92 (partially)	20th March 2006	2006/1369
Section 93 (partially)	20 March 2006	2006/1369
Sections 100 and 101 (partially)	6th August 2004	2004/2097
Section 98	20th March 2006	2006/1369
Sections 99 to 110 as to England and Wales (in so far as not already in force)	31st October 2004	2004/2593
Section 111(2) as to England and Wales	31st October 2004	2004/2593
Section 113 as to England	28th September 2004	2004/2202
Section 114 as to England (partially)	28th September 2004	2004/2202
Section 116 (partially)	6th August 2004	2004/2097
Section 116 (in so far as not already in force)	25th August 2005	2005/2081
Section 117(1) to (7) (partially)	6th August 2004	2004/2097
Section 117(1) to (7) as to England and Wales (in so far as not in force)	28th September 2004	2004/2202

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
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 119(2)	20th March 2006	<a href="#">2006/1369</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>
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 5 paragraphs 6 to 8, paragraphs 10 to 11 and 13	20th March 2006	<a href="#">2006/1369</a>

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
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>