

SCOTTISH STATUTORY INSTRUMENTS

**2019 No. 377 (C. 19)**

**TOWN AND COUNTRY PLANNING**

**The Planning (Scotland) Act 2019 (Commencement No. 2,  
Saving and Transitional Provisions) Regulations 2019**

*Made* - - - - 6th November 2019  
*Laid before the Scottish  
Parliament* - - - - 8th November 2019  
*Coming into force* - - 20th December 2019

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 63(2) and (3) of the Planning (Scotland) Act 2019 <sup>M1</sup>.

**Marginal Citations**

**M1** 2019 asp 13.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Planning (Scotland) Act 2019 (Commencement No. 2, Saving and Transitional Provisions) Regulations 2019 and come into force on 20 December 2019.

(2) In these Regulations—

“the Act” means the Planning (Scotland) Act 2019, and

“the 1997 Act” means the Town and Country Planning (Scotland) Act 1997 <sup>M2</sup>.

**Commencement Information**

**II** Reg. 1 in force at 20.12.2019, see **reg. 1(1)**

**Marginal Citations**

**M2** 1997 c.8.

### Appointed day – 20 December 2019

2.—(1) The day appointed for the coming into force of the provisions of the Act specified in paragraph (2) is 20 December 2019.

(2) The provisions are—

- (a) section 25 (conditional grant of planning permission: noise-sensitive developments), and
- (b) section 42 (fines: increases and duty of court in determining amount).

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#### Commencement Information

**I2** [Reg. 2](#) in force at 20.12.2019, see [reg. 1\(1\)](#)

### Appointed day – 1 March 2020

3. The day appointed for the coming into force of section 23 (notice by planning authority of certain applications made to them) of the Act is 1 March 2020.

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#### Commencement Information

**I3** [Reg. 3](#) in force at 20.12.2019, see [reg. 1\(1\)](#)

### Conditional grant of planning permission: noise-sensitive developments – transitional provision

4. The provisions of section 41A (conditional grant of planning permission: noise-sensitive developments) of the 1997 Act <sup>M3</sup> do not apply in respect of an application for planning permission made before 20 December 2019.

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#### Commencement Information

**I4** [Reg. 4](#) in force at 20.12.2019, see [reg. 1\(1\)](#)

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#### Marginal Citations

**M3** [Section 41A](#) is introduced into the 1997 Act by section 25(2) of the Planning (Scotland) Act 2019 (asp 13) (“the Act”).

### Penalties for non-compliance with planning contravention notice - saving provision

5. The provisions of section 126 (penalties for non-compliance with planning contravention notice) of the 1997 Act <sup>M4</sup> continue to have effect as they did immediately before 20 December 2019 in respect of a planning contravention notice (as defined in section 277(1) of the 1997 Act) served before that date.

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#### Commencement Information

**I5** [Reg. 5](#) in force at 20.12.2019, see [reg. 1\(1\)](#)

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#### Marginal Citations

**M4** [Section 126](#) is amended by section 42(2) of the Act.

### Enforcement notices - saving provision

6.—(1) The provisions of the 1997 Act specified in paragraph (2) continue to have effect as they did immediately before 20 December 2019 in respect of an enforcement notice (as defined in section 277(1) of the 1997 Act) served before that date.

(2) The provisions are—

- (a) section 136 (offence where enforcement notice not complied with) <sup>M5</sup>, and
- (b) section 138 (enforcement notice to have effect against subsequent development) <sup>M6</sup>.

#### Commencement Information

**I6** Reg. 6 in force at 20.12.2019, see [reg. 1\(1\)](#)

#### Marginal Citations

**M5** Section 136 is amended by section 42(3) of the Act.

**M6** Section 138 is amended by section 42(4) of the Act.

### Penalties for contravention of stop notice - saving provision

7. The provisions of section 144 (penalties for contravention of stop notice) of the 1997 Act <sup>M7</sup> continue to have effect as they did immediately before 20 December 2019 in respect of a stop notice (as defined in section 277(1) of the 1997 Act) served before that date.

#### Commencement Information

**I7** Reg. 7 in force at 20.12.2019, see [reg. 1\(1\)](#)

#### Marginal Citations

**M7** Section 144 is amended by section 42(5) of the Act.

### Temporary stop notices: offences - saving provision

8. The provisions of section 144C (temporary stop notices: offences) of the 1997 Act <sup>M8</sup> continue to have effect as they did immediately before 20 December 2019 in respect of a temporary stop notice (as defined in section 277(1) of the 1997 Act) issued before that date.

#### Commencement Information

**I8** Reg. 8 in force at 20.12.2019, see [reg. 1\(1\)](#)

#### Marginal Citations

**M8** Section 144C is amended by section 42(6) of the Act.

### Enforcement of conditions - saving provision

9. The provisions of section 145 (enforcement of conditions) of the 1997 Act <sup>M9</sup> continue to have effect as they did immediately before 20 December 2019 in respect of a <sup>[F1]</sup>breach of condition] notice (as defined in section 277(1) of the 1997 Act) served before that date.

**F1** Words in [reg. 9](#) substituted (19.12.2019) by [The Planning \(Scotland\) Act 2019 \(Commencement No. 2, Saving and Transitional Provisions\) Amendment Regulations 2019 \(S.S.I. 2019/411\)](#), regs. 1, 2

**Commencement Information**

**I9** [Reg. 9](#) in force at 20.12.2019, see [reg. 1\(1\)](#)

**Marginal Citations**

**M9** Section 145 is amended by section 42(7) of the Act.

**Display of advertisement in contravention of regulations - saving provision**

**10.** The provisions of section 186(3) (enforcement of control as to advertisements) of the 1997 Act <sup>M10</sup> continue to have effect as they did immediately before 20 December 2019 in respect of the display before that date of an advertisement in contravention of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 <sup>M11</sup>.

**Commencement Information**

**I10** [Reg. 10](#) in force at 20.12.2019, see [reg. 1\(1\)](#)

**Marginal Citations**

**M10** [Section 186\(3\)](#) is amended by section 42(8) of the Act.

**M11** [S.I. 1984/467](#) to which there are amendments which are not relevant to these Regulations. The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 were originally made under powers contained in the Town and Country Planning (Scotland) Act 1972 and in terms of the [Planning \(Consequential Provisions\) Act 1997 \(c.11\)](#) are now treated as being made under section 182 of the 1997 Act.

**Duty to notify applications – saving provision**

**11.** The provisions of section 34 (notice by planning authority of certain applications made to them) of the 1997 Act <sup>M12</sup> continue to have effect as they did immediately before 1 March 2020 in respect of an application mentioned in section 34(2) of the 1997 Act made before that date.

**Commencement Information**

**I11** [Reg. 11](#) in force at 20.12.2019, see [reg. 1\(1\)](#)

**Marginal Citations**

**M12** [Section 34](#) of the 1997 Act is amended by section 23(2) of the [Planning \(Scotland\) Act 2019 \(asp 13\)](#).

St Andrew's House,  
Edinburgh

*KEVIN STEWART*  
Authorised to sign by the Scottish Ministers

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## EXPLANATORY NOTE

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

These Regulations bring sections 25 and 42 of the Planning (Scotland) Act 2019 (“the Act”) into force on 20 December 2019 but subject to saving and transitional provisions contained in regulations 4 to 10. They also bring section 23 of the Act into force on 1 March 2020 subject to a saving provision contained in regulation 11.

The Bill for the Act received Royal Assent on 25 July 2019. Sections 58 to 61, 63 and 64 came into force on the following day.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The following provisions of the Planning (Scotland) Act 2019 have been brought into force by commencement regulations made before the date of these Regulations.

| <i>Provision</i>   | <i>Date of Commencement</i> | <i>S.S.I. No.</i> |
|--|-----------------------------|-------------------|
| Sections 1, 2 and 10   | 8 November 2019             | S.S.I. 2019/314   |
| Sections 3, 5, 7, 11, 14 and 62 and paragraph 9 of schedule 2 (for limited purposes) | 8 November 2019             | S.S.I. 2019/314   |

**Changes to legislation:**

There are currently no known outstanding effects for the The Planning (Scotland) Act 2019 (Commencement No. 2, Saving and Transitional Provisions) Regulations 2019.