

2023 No. 10 (C. 2)

TOWN AND COUNTRY PLANNING

The Planning (Scotland) Act 2019 (Commencement No. 11 and Saving and Transitional Provisions) Regulations 2023

<i>Made</i>	- - - -	<i>19th January 2023</i>
<i>Laid before the Scottish Parliament</i>		<i>23rd January 2023</i>
<i>Coming into force</i>	- -	<i>11th February 2023</i>

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(a).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Planning (Scotland) Act 2019 (Commencement No. 11 and Saving and Transitional Provisions) Regulations 2023 and come into force on 11 February 2023.

(2) In these Regulations—

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

“the 1997 Act” means the Town and Country Planning (Scotland) Act 1997(b),

“development plan” and “local development plan” have the same meaning as in the 1997 Act,

“relevant local development plan” means a local development plan constituted under section 20 of the 1997 Act—

(a) before 12 February 2023, or

(b) on or after 12 February 2023 and in respect of which notice of the proposed local development plan is published in a local newspaper in accordance with regulation 12(2)(a) of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008(c) before 12 February 2023,

“relevant period “ means the period beginning on 12 February 2023 and ending at the end of 31 March 2025,

“supplementary guidance” has the same meaning as in section 22 of the 1997 Act.

Appointed day – old development plans

2.—(1) Subject to paragraph (3), the day appointed for the coming into force of the provisions of the Act specified in paragraph (2), in so far as not already in force, is 11 February 2023.

(2) The provisions are—

(a) 2019 asp 13.
(b) 1997 c. 8.
(c) S.S.I. 2008/426.

- (a) section 62 (minor and consequential amendments and repeals),
- (b) paragraph 4 (development plan) of schedule 2 (minor and consequential amendments and repeals).

(3) Section 62 of the Act is commenced only for the purposes of the commencement of paragraph 4 of schedule 2 of the Act.

Appointed day – development plan

3.—(1) Subject to paragraph (3), the day appointed for the coming into force of the provisions of the Act specified in paragraph (2), in so far as not already in force, is 12 February 2023.

(2) The provisions are—

- (a) section 6 (removal of requirement to prepare strategic development plans),
- (b) section 9 (supplementary guidance),
- (c) section 13(1), (2) and (3) (development plan),
- (d) section 62,
- (e) paragraph 1 (removal of requirement to prepare strategic development plans) of schedule 2.

(3) Section 62 of the Act is commenced only for the purposes of the commencement of paragraph 1 of schedule 2 of the Act.

Saving and transitional provisions

4.—(1) The provisions of section 22 of the 1997 Act continue to have effect during the relevant period as they did immediately before 12 February 2023 to enable a planning authority to adopt and issue supplementary guidance under that section during the relevant period in connection with a relevant local development plan.

(2) The provisions of any supplementary guidance issued during the relevant period in connection with a relevant local development plan are to be treated for the purposes of the 1997 Act and any enactment relating to town and country planning and the Land Compensation (Scotland) Act 1963 as being comprised in the development plan for the area to which the relevant local development plan is applicable.

TOM ARTHUR

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
19th January 2023

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring paragraph 4 of schedule 2 of the Planning (Scotland) Act 2019 (“the Act”) fully into force on 11 February 2023. They also bring section 62 of the Act into force on that date for the limited purposes of the commencement of that paragraph.

These Regulations bring sections 6, 9 and 13(1), (2) and (3) of, and paragraph 1 of schedule 2 of, the Act fully into force on 12 February 2023 and bring section 62 of the Act into force on that date for the limited purposes of the commencement of that paragraph.

Regulation 4 contains saving and transitional provisions to enable supplementary guidance to continue to be issued for a period notwithstanding the repeal of section 22 of the Town and Country Planning (Scotland) Act 1997 by section 9 of the Act and for such supplementary guidance to comprise part of the development plan for the area to which it relates.

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 REGULATIONS

(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
Sections 25 and 42	20 December 2019	S.S.I. 2019/377
Section 23	1 March 2020	S.S.I. 2019/377
Section 18(1), (2) and (4)	1 December 2019	S.S.I. 2019/385
Sections 20, 24, 29, 41, 47, 48, 49, 51, 52 and 53	1 December 2019	S.S.I. 2019/385
Sections 26, 62 and paragraph 9 of schedule 2 (for limited purposes)	1 December 2019	S.S.I. 2019/385
Sections 27 and 30	1 March 2020	S.S.I. 2019/385
Section 17, 62 and paragraph 9 of schedule 2 (for limited purposes)	18 May 2020	S.S.I. 2020/67
Section 26	18 May 2020	S.S.I. 2020/67
Section 34 and 37	18 November 2020	S.S.I. 2020/294
Section 17	1 April 2021	S.S.I. 2021/101
Section 40	17 July 2021	S.S.I. 2021/244
Section 14(1) (for limited purposes)	22 January 2022	S.S.I. 2021/480
Section 14(3) and (7)	22 January 2022	S.S.I. 2021/480
Section 18(3)	1 October 2022	S.S.I. 2021/101(a)
Section 22, 32, 33 and 38 and paragraph 6 of schedule 2	1 October 2022	S.S.I. 2022/275

(a) As amended by S.S.I. 2021/291 and S.S.I. 2022/67.

Section 62 (for limited purposes)	1 October 2022	S.S.I. 2022/275
Section 13(4) and (5)	23 December 2022	S.S.I. 2022/386
Section 13(1) (for limited purposes)	23 December 2022	S.S.I. 2022/386

© Crown copyright 2023

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, the King's Printer for Scotland.

£4.90

<http://www.legislation.gov.uk/id/ssi/2023/10>

ISBN 978-0-11-105627-1



9 780111 056271