

2023 No. 100 (C. 11)

TOWN AND COUNTRY PLANNING

The Planning (Scotland) Act 2019 (Commencement No. 12 and Saving and Transitional Provisions) Regulations 2023

Made - - - - *22nd March 2023*

Laid before the Scottish Parliament *24th March 2023*

Coming into force - - *19th May 2023*

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. 12 and Saving and Transitional Provisions) Regulations 2023 and come into force on 19 May 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),

“local development plan” has the same meaning as in the 1997 Act.

Appointed day – 19 May 2023

2.—(1) Subject to paragraphs (3) and (4), 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 19 May 2023.

(2) The provisions are—

(a) section 7 (local development plans),

(b) section 8 (list of persons seeking land for self-build housing),

(c) section 11 (delivery programmes),

(d) section 14(1) and (2) (local place plans)

(e) section 62 (minor and consequential amendments and repeals),

(f) paragraph 2 (local development plan) of schedule 2 (minor and consequential amendments and repeals),

(g) paragraph 3 (delivery programmes) of schedule 2.

(3) Section 14(1) of the Act is commenced only for the purposes of the commencement of section 14(2) of the Act.

(a) 2019 asp 13.

(b) 1997 c. 8.

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

Appointed day – 20 May 2023

3.—(1) Subject to paragraph (2), the day appointed for the coming into force of the provisions of section 14(1) and (4) (local place plans) of the Act, in so far as not already in force, is 20 May 2023.

(2) Section 14(1) of the Act is commenced only for the purposes of the commencement of section 14(4) of the Act.

Saving and transitional provisions – local development plans

4.—(1) This regulation applies in relation to a local development plan 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^(a) before 12 February 2023.

(2) Subject to paragraph (5), where this regulation applies—

- (a) the provisions of the 1997 Act specified in paragraph (3) continue to have effect as they did immediately before 19 May 2023 for the purposes of that local development plan, and
- (b) the provisions of the 1997 Act specified in paragraph (4) do not apply for the purposes of that local development plan.

(3) The provisions are—

- (a) section 15 (form and content of local development plans),
- (b) section 16(1) to (5), (7) and (8)(b) (preparation and monitoring of local development plans: general),
- (c) section 18 (preparation and publication of local development plan),
- (d) section 19 (examination of proposed local development plan),
- (e) section 19A (further provision as regards examination under section 19(4)),
- (f) section 20 (constitution of local development plan),
- (g) section 20A (publication of and publicity for local development plans).

(4) The provisions are—

- (a) section 15A (preparation of local development plans: invitation to prepare local place plans),
- (b) section 16A (participation of children and young people in local development plans),
- (c) section 16B (evidence report for preparation of local development plans),
- (d) section 19ZA (examination under section 19(3):further provision).

(5) For the purposes of the application of the duty to review a local development plan in accordance with section 16(1)(b) and (8) of the 1997 Act, section 15(5) applies as amended by the Act^(c).

(a) S.S.I. 2008/426 to which there are amendments which are not relevant to these Regulations.

(b) Section 16(6) was repealed by paragraph 1(2) of schedule 2 of the Planning (Scotland) Act 2019 on 12 February 2023 (S.S.I. 2023/10).

(c) Section 15(5) is amended by section 7(2)(e) of the Planning (Scotland) Act 2019 which was itself amended by S.S.I. 2019/424.

Saving and transitional provisions – action programmes

5.—(1) This regulation applies in relation to an action programme in respect of which a planning authority have published a proposed action programme under section 21(4) of the 1997 Act before 19 May 2023.

(2) Where this regulation applies—

- (a) subsections (2) to (8) of section 21 of the 1997 Act continue to apply in respect of that action programme as they had effect immediately before 19 May 2023,
- (b) subsections (9) and (10) of section 21 of the 1997 Act continue to apply in respect of the action programme as published under section 21(8), or as re-published under section 21(10), as they had effect immediately before 19 May 2023 subject to the modifications in paragraph (3).

(3) The modifications are—

- (a) in section 21(9), the requirement to review, update and re-publish the action programme is to be treated as a requirement to review the action programme and to update it and publish it as a delivery programme,
- (b) in section 21(10), the reference to re-publication of an action programme is to be treated as a reference to publication of that delivery programme.

TOM ARTHUR

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
22nd March 2023

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring sections 7, 8, 11 and 14(2) and paragraphs 2 and 3 of schedule 2 of the Planning (Scotland) Act 2019 (“the Act”) fully into force on 19 May 2023. They also bring section 14(1) and section 62 into force on that date respectively for the limited purposes of the commencement of section 14(2) and paragraphs 2 and 3 of schedule 2.

These Regulations also bring section 14(4) of the Act fully into force on 20 May 2023 and bring section 14(1) into force on that date for the limited purposes of the commencement of section 14(4).

Regulation 4 contains saving and transitional provisions so that the provisions of the Town and Country Planning (Scotland) Act 1997 relating to the preparation, examination and publication of a local development plan continue to apply as they had effect before 19 May 2023 where the proposed local development plan was published by the planning authority before 12 February 2023.

Regulation 5 contains saving and transitional provisions in relation to the preparation and publication of action programmes, to be re-named “delivery programmes” as a result of changes made by section 11 of the Act.

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.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
Sections 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

Sections 22, 32, 33 and 38 and paragraph 6 of schedule 2	1 October 2022	S.S.I. 2022/275
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
Paragraph 4 of schedule 2	11 February 2023	S.S.I. 2023/10
Section 62 (for limited purposes)	11 February 2023	S.S.I. 2023/10
Sections 6, 9, 13(1). (2) and (3) and paragraph 1 of schedule 2	12 February 2023	S.S.I. 2023/10
Section 62 (for limited purposes)	12 February 2023	S.S.I. 2023/10

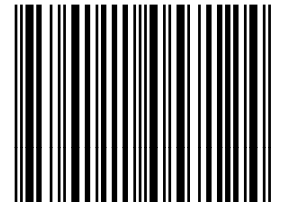
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