



Town and Country Planning (Scotland) Act 1972

CHAPTER 52

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972

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- 2 On the repeal of the said Schedule as respects any...
- 3 Subject to the following provisions of this Schedule, where by...
- 4 Where a structure plan is in force in any area,...
- 5 Where a structure plan is in force in any area,...
- 5A On the adoption or approval of a local plan under...
- 6 Subject to paragraph 7 of this Schedule, the Secretary of...
- 7 Before making an order with respect to a development plan...
- 8 Any reference in paragraphs 1 and 2 of this Schedule...
- 9 In relation to any development plan continued in force by...

SCHEDULE 6 — Development not Constituting New Development

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- 1 The carrying out of any of the following works, that...
- 2 The use as two or more separate dwellinghouses of any...

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- 3 The enlargement, improvement or other alteration, as often as the...
- 4 The carrying out, on land which was used for the...
- 5 The winning and working, on land held or occupied with...
- 6 The winning and working of peat by any person for...
- 7 In the case of a building or other land which,...
- 8 In the case of any building or other land which,...
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Regulations and directions

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Powers and duties of person determining appeal

- 2 (1) A person appointed under this Schedule to determine an...
3A (1) The Secretary of State may by a further direction...

Determination of appeals by Secretary of State

- 3 (1) The Secretary of State may, if he thinks fit, ...
3A (1) The Secretary of State may by a further direction...

Appointment of another person to determine appeal

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SCHEDULE 8 — Construction of References in Sections 45 and 46 to “The Responsible Minister or Ministers”

- 1 In relation to matters specified in the first column of...
2 Where an entry in the second column of the Table...

SCHEDULE 9 — Joint Planning Inquiry Commissions

Interpretation

- 1 In relation to matters specified in the first column of...
2 In this Schedule— (a) “ Act of 1990 ” means...

The reference

- 3 Two or more of the matters mentioned in subsection (1)...
4 Where a referred matter relates to a proposal to carry...
5 The responsible Ministers shall, on referring a matter to a...

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- 6 (1) A reference to a commission of a proposal that...

Notice of reference to persons and authorities concerned

- 7 (1) Notice of the making of a reference to a...

Proceedings of commission on reference

- 8 A commission inquiring into a referred matter shall—
9 A commission shall afford the following persons an opportunity of...
10 The provisions of sections 32(5) and 33(4) of this Act...

Local inquiries

- 11 A commission shall, for the purpose of complying with paragraph...
12 Where a commission are to hold a local inquiry in...
13 For the purposes of the Tribunals and Inquiries Act 1971...
14 (1) Subsections (4) to (9) of section 267 of this...

Supplementary

- 15 (1) A commission may, with the approval of the Ministers...
16 Subject to the provisions of this Schedule, and to any...

SCHEDULE 10 — Control of Works for Demolition, Alteration or Extension of Listed Buildings

Part I — APPLICATIONS FOR LISTED BUILDING CONSENT

Form of application and effect of consent

- 1 (1) An application for listed building consent shall be made...
2 (1) Regulations under this Act may provide that an application...
3

Reference of applications to Secretary of State

- 4 (1) The Secretary of State may give directions requiring applications...
5 (1) Subject to the following provision of this paragraph, a...
6 (1) The Secretary of State may give directions that, in...

Appeal against decision

- 7 (1) Where an application is made to the planning authority—...

Appeal in default of decision

- 8 (1) Where an application is made to the.
Part II — REVOCATION OF LISTED BUILDING CONSENT
9 (1) If it appears to the. . . planning authority,...
10 (1) If it appears to the Secretary of State, after...
11 (1) The following provisions shall have effect where the.
Part III — PROVISIONS APPLICABLE ON LAPSE OF BUILDING PRESERVATION NOTICE
12 The provisions of this Part of this Schedule apply where...
13 The fact that the building preservation notice has ceased to...
14 Any proceedings on or arising out of an application for...
15 Any listed building enforcement notice served by the.

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Schedule 10a — Registration of old mining permissions

Application for registration

- 1 (1) Any person who is an owner of any land...

Determination of conditions

- 2 (1) The conditions to which an old mining permission is...

Registration

- 3 (1) Where an application for the registration of an old...

General provisions about applications

- 4 (1) An application under paragraph 1 or 2 above is...

Right of appeal

- 5 (1) Where the planning authority— (a) refuse an application under...

Determination of appeal

- 6 (1) On an appeal under paragraph 5 above the Secretary...

Reference of applications to Secretary of State

- 7 (1) The Secretary of State may give directions requiring applications...

Two or more applicants

- 8 (1) Where a person has served an application under paragraph...

Application of provisions relating to planning permission

- 9 (1) Subject to paragraph 3 above, section 31 of this...

Interpretation

- 10 (1) In this Schedule— “ official form ” means, in...

SCHEDULE 11 —

SCHEDULE 12 — Provisions as to Established use Certificates

Application for certificate and appeal against refusal thereof

- 1 An application for an established use certificate shall be made...
2 Provision may be made by a development order for regulating...
3 (1) A development order may provide that an application for...

Provisions with respect to grant of certificate

- 4 An established use certificate shall be in such form as...
5 Where the Secretary of State or a person appointed by...
6 In section 31 of this Act references to applications for...

SCHEDULE 13 — Adjustment of Claim Holdings

Status: Point in time view as at 01/02/1991.

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Part I — ADJUSTMENT OF CLAIM HOLDINGS ASSIGNED TO CENTRAL
LAND BOARD AS SECURITY FOR DEVELOPMENT CHARGES

- 1 (1) In this Part of this Schedule references to the...
- 2 (1) Where a claim holding was assigned to the Central...
- 3 Without prejudice to paragraph 2 of this Schedule, where an...
- 4 Where an assignation to the Central Land Board comprised only...
- 5 (1) The provisions of this paragraph shall have effect in...

Part II — ADJUSTMENT BY REFERENCE TO PAYMENTS IN RESPECT OF
WAR-DAMAGED LAND

- 6 (1) The provisions of this Part of this Schedule shall...
- 7 If the payment area is identical with the area of...
- 8 (1) If the payment area forms part of the area...
- 9 If the payment area includes the area of the claim...
- 10 If the payment area includes part of the area of...

Part III — ADJUSTMENT IN CASES OF PARTIAL TRANSMISSION OF CLAIM
HOLDINGS

- 11 The provisions of this Part of this Schedule shall have...
- 12 As from the date of the relevant transmission, each of...
- 13 The area and value of any such separate claim holding...
- 14 In paragraph 13 of this Schedule the reference to determination...
- 15 (1) The said principles are those set out in the...
- 16 Paragraph 1 of this Schedule shall apply for the purposes...

Part IV — ADJUSTMENT IN RESPECT OF PAYMENTS UNDER PART I OF ACT
OF 1954

- 17 The provisions of this Part of this Schedule shall have...
- 18 Subject to the following provisions of this Part of this...
- 19 Paragraph 18 of this Schedule shall apply where two or...
- 20 (1) Where one or more relevant acts or events have...
- 21 For the purposes of this Part of this Schedule—
- 22 (1) Where in accordance with the preceding provisions of this...

Part V — ADJUSTMENT IN RESPECT OF COMPENSATION UNDER PART V
OFACT OF 1954

- 23 Where compensation under Part V of the Act of 1954...
- 24 Where compensation became or becomes payable as mentioned in
paragraph...
- 25 Where, in the case of a claim holding (in this...

Part VI — SUPPLEMENTARY PROVISIONS

- 26 Where in accordance with any of the provisions of this...
- 27 Where in accordance with any of the provisions of this...
- 28 Expressions used in this Schedule and in Part VII of...
- 29 In this Schedule “the holder”, in relation to a claim...

SCHEDULE 14 — Calculation of Value of Previous Development of Land

- 1 Where for the purposes of section 130 of this Act...
- 2 Subject to the following provisions of this Schedule, the value...
- 3 If the development involved the clearing of any land, the...
- 4 (1) If the development was initiated in pursuance of planning...
- 5 In the application of the foregoing provisions of this Schedule...

SCHEDULE 15 — Apportionment of Unexpended Balance of
EstablishedDevelopment Value

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Determination of relevant area

- 1 (1) Where, in the case of a compulsory acquisition to...

Preliminary calculations

- 2 In the case of the interest of the lessor under...

Apportionment of unexpended balance between interests

- 3 Where two or more interests (other than excepted interests) subsist...

Application of Schedule to past acquisitions

- 4 In relation to any compulsory acquisition to which section 131...

Interpretation

- 5 In this Schedule— (a) “the relevant land”, in relation to...

SCHEDULE 16 — Condition Treated as Applicable to Rebuilding and Alterations

- 1 Where the building to be rebuilt or altered is the...
- 2 Where the building to be rebuilt or altered is not...
- 3 In determining under this Schedule the purpose for which floor...
- 4 For the purposes of this Schedule gross floor space shall...
- 5 In relation to a building erected after the appointed day,...

SCHEDULE 17 — Proceedings on Listed Building Purchase Notice

Action by planning authority on whom listed building purchase notice is served

- 1 (1) The planning authority on whom a listed building purchase...

Action by Secretary of State in relation to listed building purchase notice

- 2 (1) Subject to the following provisions of this paragraph, if...

Effect of Secretary of State’s action in relation to listed building purchase notice

- 3 (1) Where the Secretary of State confirms a listed building...

Special provision as to compensation where listed building purchase notice served

- 4 Where in consequence of listed building consent being revoked or...

SCHEDULE 18 — Procedure in connection with Orders relating to Footpaths and
Bridleways

Part I — CONFIRMATION OF ORDERS

- 1 (1) Before an order under section 198A, 199, , 201...
- 2 If no representations or objections are duly made, or if...
- 3 (1) If any representation or objection duly made is not...
- 4 (1) The Secretary of State shall not confirm an order...
- 5 Regulations under this Act may, subject to this Part of...

Part II — PUBLICITY FOR ORDERS AFTER CONFIRMATION

- 6 As soon as may be after an order under section...

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SCHEDULE 19 — Provisions of this Act referred to in Sections 250, 251, 256, 257 and 259 and Paragraphs 70 and 71 of Schedule 22

- Part I
- Part II
- Part III
- Part IV

SCHEDULE 20 — Enactments Exempted from Section 273(6) of this Act

- 1 Section 32(1) of the Public Health (Scotland) Act 1897.
- 2 Section 158 of the Burgh Police (Scotland) Act 1892, as...
- 3
- 4 Any enactment making such provision as might by virtue of...
- 5 Any enactment which has been previously excluded or modified by...

SCHEDULE 21 — Consequential Amendments

- Part I — THE LAND COMPENSATION (SCOTLAND) ACT 1963 (C. 51)
- Part II

The Finance Act 1931 (c. 28)

The Building Restrictions (War-Time Contraventions) Act 1946 (c. 35)

The Town and Country Planning (Scotland) Act 1947 (c. 53)

The Building (Scotland) Act 1959 (c. 24)

Section 17(2) shall be amended as follows:— for paragraph (b)...

The Town and Country Planning (Scotland) Act 1959 (c. 70)

The Gas Act 1965 (c. 36)

In section 4(7), for the words “the Town and Country...

In section 28(1)— in the definition of “local planning authority”,...

The Housing (Scotland) Act 1966 (c. 49)

The Local Government (Scotland) Act 1966 (c. 51)

The Land Commission Act 1967 (c. 1)

In section 99— in subsection (1), after the words “...

The Forestry Act 1967 (c. 10)

In section 9(4)(d), for the words “the Town and Country...

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The Agriculture Act 1967 (c. 22)

The Civic Amenities Act 1967 (c. 69)

The Public Expenditure and Receipts Act 1968 (c. 14)

The Agriculture (Miscellaneous Provisions) Act 1968 (c. 34)

The Transport Act 1968 (c. 73)

In section 108— in subsection (2), for the words “section...

The Post Office Act 1969 (c. 48)

In Schedule 4— in paragraph 92(1), for the words from...

SCHEDULE 22 — Transitional Provisions and Savings

Part I — GENERAL PROVISIONS

- 1 (1) In so far as anything done under an enactment...
- 2 Without prejudice to section 276 of, and Schedule 21 to,...
- 3 Where any period of time specified in an enactment repealed...
- 4 Without prejudice to paragraph 1 of this Schedule, any reference...
- 5 (1) Nothing in this Act shall affect the enactments repealed...
- 6 (1) Any reference in this Act to an order or...

Part II — CENTRAL AND LOCAL ADMINISTRATION

Transfer of property and officers to planning authorities

- 7 Nothing in this Act shall affect, or be treated as...

Part III — DEVELOPMENT PLANS

Effect of existing commencement orders

- 8 (1) In relation to so much of any order made...

Part IV — GENERAL PLANNING CONTROL

Planning permission: general

- 9 Subsection (1) of section 20 of this Act applies (subject...
- 10 In sections 23 and 24 of this Act references to...
- 11 Subsection (2)(b) of section 23, and the other provisions of...
- 12 Where by virtue of the proviso to subsection (3) of...

Review of planning decisions and orders under Part V of Act of 1954

- 13 For the purposes of paragraph 1 of this Schedule, any...

Duration of planning permission

- 14 Sections 38 and 39 of this Act do not apply...
- 15 (1) Subject to sub-paragraph (2) of this paragraph, every planning...
- 16 (1) Subject to sub-paragraph (2) of this paragraph, where before...
- 17 (1) In sections 27(3), 40(1), (5), (6) and (7), 41...
- 18 Until the coming into operation of the first regulations to...

Part V — ADDITIONAL CONTROL IN SPECIAL CIRCUMSTANCES

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Buildings of architectural or historic interest

- 19 Section 53(1) of this Act does not apply to any...
 20 (1) Where, before 3rd August 1970, consent under a building...

Replacement of trees

- 21 Section 57 of this Act does not apply in relation...
 22—25

Part VI — ENFORCEMENT OF CONTROL

Enforcement notices under enactments in force before 8th December 1969

- 26 (1) This paragraph applies to any enforcement notice which was...

Enforcement notices served by virtue of section 72 of Act of 1947

- 27 (1) This paragraph applies to any enforcement notice served before...
 28 In so far as an enforcement notice could, if this...
 29 (1) Where an enforcement notice served by virtue of paragraph...
 30 (1) The power of a planning authority under Part III...
 31 Where in pursuance of paragraph 76(3) of this Schedule permission...
 32 The repeal by this Act of section 72 of the...

Enforcement of building preservation orders

- 33 The repeal by the Act of 1969 of section 27...

Enforcement of duties as to trees

- 34 Subsection (3) of section 99 of this Act shall not...
 Part VII — ACQUISITION OF LAND ETC.

Consent of Minister to acquisition, appropriation or disposal of land

- 35 Nothing in Part I of this Schedule shall be construed...

Existing compulsory purchase orders

- 36 (1) Sections 102 and 103 of this Act shall not...
 37 The repeals effected by this Act shall not affect the...
 38 Any compulsory purchase order made or confirmed under Part I...

Application of Part VI to land acquired or authorised to be acquired under previous enactments

- 39 The provisions of Part VI of this Act shall have...
 40 For the purposes of Part VI of this Act—
 41 The reference in subsection (1) of section 122 of this...

Provisions as to Central Land Board

- 42 Section 117 of this Act shall have effect in relation...
 Part VIII — COMPENSATION UNDER PART VII OF THIS ACT

Compensation under Part V of Act of 1954

- 43 (1) Subject to the following provisions of this paragraph, for...

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Provision excluding recovery of compensation

- 44 For the purposes of the construction, in accordance with Part...
Part IX — COMPENSATION UNDER PART VIII OF THIS ACT

Compensation to statutory undertakers

- 45 Subsection (3) of section 154 of this Act shall not...

Contribution by Secretary of State towards compensation

- 46 For the purposes of the construction of section 156(1) of...

Recovery of compensation

- 47 For the purposes of the construction of section 157(3) of...
Part X — BLIGHT NOTICES

Notices served before 8th December 1969 or 18th May 1970

- 48 In relation to a notice served under section 38 of...

Temporary inclusion of additional description of blighted land

- 49 (1) For the purposes of the application of sections 181...
Part XI — HIGHWAYS

Provisions as to telegraphic lines

- 50 (1) In relation to an order made under section 46...
Part XII — STATUTORY UNDERTAKERS

Application of ss. 214 to 220 to matters arising before 8th December 1969

- 51 (1) This paragraph shall have effect as respects the application,...

Extinguishment of rights: notices served before 8th December 1969

- 52 In relation to a notice served before 8th December 1969,...

Application of section 219 to land acquired by Central Land Board

- 53 In section 219(1) of this Act, the reference to land...

Right to compensation for decisions made before 8th December 1969

- 54 In its application, by virtue of Part I of this...

Enactments applying section 24 of Act of 1945

- 55 (1) This paragraph shall have effect for the purposes of...
Part XIII — VALIDITY OF PLANNING DECISIONS ETC.

Orders made and action taken before 16th August 1959

- 56 (1) Notwithstanding anything in Part I of this Schedule, the...
57 Section 234 of this Act does not apply to any...

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Directions under Part V of Act of 1954

- 58 For the purposes of the construction, in accordance with Part...
Part XIV — FINANCIAL PROVISIONS

Grants

- 59 Nothing in this Act shall affect the payment (whether before...
60

Recovery of sums from acquiring authorities

- 61 (1) In relation to any acquisition or sale of an...
62 Section 245 of this Act shall have effect in relation...

Treatment of sums received under section 248(4) before 1st April 1968

- 63 Any sums received by the Secretary of State before 1st...
Part XV — SPECIAL CASES

Minerals

- 64 In relation to any time before 10th April 1966, section...

National Coal Board

- 65 Until the coming into operation of the first regulations made...
Part XVI — MISCELLANEOUS AND SUPPLEMENTARY

Rights and liabilities in respect of certain payments

- 66 (1) The repeals effected by this Act shall not affect...

Registration of payments under s. 58 of Act of 1954

- 67 (1) The repeals effected by this Act shall not affect...

Entitlement to, and amount of, compensation etc. in cases arising before 25th February 1963

- 68 Notwithstanding Part I of this Schedule, the following provisions of...
69
70

Saving in respect of works below high-water mark

- 71 Nothing in the provisions of this Act specified in Part...

Land Compensation (Scotland) Act 1963 s. 39

- 72 Any reference in this Act to the power conferred by...

References to Ministers: previous Transfer of Functions Orders

- 73 (1) Where the functions of a Minister under any enactment...

Schemes and agreements under enactments repealed by Act of 1947

- 74 (1) The repeal effected by this Act shall not affect...
75 (1) The repeal effected by this Act shall not affect...

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Development authorised under enactments repealed by Act of 1947

- 76 (1) Where any works on land existing at the appointed...
- 77 (1) Where permission for any development of land was granted,...
- 78 (1) Where any works for the erection or alteration of...
- 79 (1) Any reference in Part VII of this Act, or...

Supplementary

- 80 (1) Where in this Act (including this Schedule except Part...

SCHEDULE 23 — Repeals

SCHEDULE 24 — General Vesting Declarations
Part I — GENERAL PROVISIONS

Execution of general vesting declarations

- 1 (1) Where a compulsory purchase order authorising an acquiring authority...
- 2 (1) Before making a general vesting declaration with respect to...
- 3 A general vesting declaration shall not be executed before the...
- 4 As soon as may be after executing a general vesting...
- 5 For the purposes of this Schedule, a certificate by the...

Effect of general vesting declaration

- 6 At the end of the period specified in a general...
- 7 At the end of the period specified in a general...
- 8 Where any land specified in a general vesting declaration is...

Recovery of compensation overpaid

- 9 The provisions of paragraphs 10 to 14 below shall have...
- 10 If, in a case falling within paragraph 9 above, it...
- 11 If in a case falling within paragraph 9 above, it...
- 12 Any question arising under paragraph 10 or 11 above—
- 13 Subject to paragraph 12 above, any amount recoverable by the...
- 14 Any sum recovered under paragraph 10 or 11 above in...

Penalty for false information in claiming compensation

- 15 (1) If any person for the purpose of obtaining for...
- Part II — SUPPLEMENTARY PROVISIONS
- 16 The provisions contained in this Part of this Schedule shall...

Exclusion of power of entry under the Acquisition Act 1947

- 17 Paragraph 3 of Schedule 2 to the Acquisition Act 1947...

Restriction on withdrawal of constructive notice to treat

- 18 The power conferred by section 39 of the Land Compensation...

Objection to severance

- 19 Paragraph 4 of Schedule 2 to the Acquisition Act 1947...

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- 20 (1) If a general vesting declaration under this Act comprises...
- 21 Where a notice of objection to severance is served in...
- 22 Within three months after a person has served on an...
- 23 If the acquiring authority do not take action in accordance...
- 24 Where in accordance with paragraph 22 or 23 above the...
- 25 Where an acquiring authority take action in accordance with sub-paragraph...
- 26 Where in accordance with paragraph 22(c) above an acquiring authority...
- 27 (1) If on such a reference the Lands Tribunal does...
- 28 Where by virtue of paragraph 22(a), 23, 25 or 27...
- 29 (1) Where in accordance with paragraph 20(1) above a person...

Compensation

- 30 Where any of the land specified in a general vesting...
- 31 Sections 56 to 60 and sections 63 to 66 of...

Charges and tenancies

- 32 (1) Where land specified in a general vesting declaration under...
- 33 Where land specified in a general vesting declaration under this...
- 34 Where any of the land specified in a general vesting...

Miscellaneous

- 35 Where, after land has become vested in an acquiring authority...
 - 36 (1) The time within which a question of disputed compensation,...
 - 37 At the end of the period specified in a general...
- Part III — INTERPRETATION
- 38 (1) In this Schedule “short tenancy” means a tenancy for...
 - 39 In this Schedule— “Acquisition Act 1947” means the Acquisition of...

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

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