

SCHEDULES

^{F1}SCHEDULE 2

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Textual Amendments

F1 Sch. 2 repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), Sch. 1 Pt. I (with s. 5, Sch. 3)

- 20 In section 85 (which relates to appeals against enforcement notices)—
- (a) in subsection (1)—
 - (i) for the words “within the period specified in the notice as the period at the end of” there shall be substituted the words “before the date specified in the notice as the date on ” ; and
 - (ii) after paragraph (b) there shall be inserted the following paragraph—
 - “(bb) that the breach of planning control alleged in the notice has not taken place ;” ;
 - (b) for subsection (2) there shall be substituted the following subsections—
 - “(2) An appeal under this section shall be made by notice in writing to the Secretary of State.
 - (2A) A person who gives notice under subsection (2) of this section shall submit to the Secretary of State, either when giving the notice or within such time as may be prescribed under subsection (2B) of this section, a statement in writing—
 - (a) specifying the grounds on which he is appealing against the enforcement notice ; and
 - (b) giving such further information as may be so prescribed.
 - (2B) The Secretary of State may prescribe the procedure to be followed on appeals under this section, and (without prejudice to the generality of the foregoing provisions of this subsection) in so prescribing—
 - (a) may specify the time within which an appellant is to submit a statement under subsection (2A) of this section and the matters on which information is to be given in such a statement ;
 - (b) may require the planning authority to submit, within such time as may be specified, a statement indicating the submissions which they propose to put forward on the appeal ;
 - (c) may specify the matters to be included in such a statement ;

Changes to legislation: There are currently no known outstanding effects for the Local Government and Planning (Scotland) Act 1982, Paragraph 20. (See end of Document for details)

- (d) may require the authority or the appellant to give such notice of an appeal under this section as may be specified, being notice which in the opinion of the Secretary of State is likely to bring the appeal to the attention of persons in the locality in which the land to which the enforcement notice relates is situated ;
- (e) may require the authority to send to the Secretary of State, within such period from the date of the bringing of the appeal as may be specified, a copy of the enforcement notice and a list of the persons on whom the notice has been served.

(2C) The Secretary of State—

- (a) may dismiss an appeal if the appellant fails to comply with subsection (2A) above within the time prescribed under subsection (2B)(a) above ; and
- (b) may allow an appeal and quash the enforcement notice if the planning authority fail to comply with any requirement imposed by virtue of paragraph (b), (c) or (e) of subsection (2B) above.

(2D) Subject to subsection (2C) above, the Secretary of State shall, if either the planning authority or the appellant so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by him for the purpose.” ; and

- (c) in subsection (5), after paragraph (a) there shall be added the following paragraph—
 - “(aa) grant planning permission for such other development on the land to which the enforcement notice relates as appears to him to be appropriate ;”.

Changes to legislation:

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