



Planning (Hazardous Substances) (Scotland) Act 1997

CHAPTER 10

PLANNING (HAZARDOUS SUBSTANCES) (SCOTLAND) ACT 1997

Administration

- 1 Planning authorities: hazardous substances.

Control over presence of hazardous substances

- 2 Requirement of hazardous substances consent.
- 3 Power to prescribe hazardous substances.

Obtaining hazardous substances consent

- 4 Hazardous substances consent: general.
- 5 Applications for hazardous substances consent.
- 6 Certificates as to interests in land etc.
- 7 Determination of applications for hazardous substances consent.
- 8 Power to impose conditions on grant of hazardous substances consent.
- 9 Deemed hazardous substances consent: established presence.
- 10 Deemed hazardous substances consent: government authorisation.
- 10A Deemed hazardous substances consent: established presence
- 10B Transitional exemptions

Variation and revocation of consents

- 11 Applications for removal of conditions attached to hazardous substances consent.
- 12 General power by order to revoke or modify hazardous substances consent.

Changes to legislation: Planning (Hazardous Substances) (Scotland) Act 1997 is up to date with all changes known to be in force on or before 25 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 13 Confirmation by Secretary of State of section 12 orders.
- 14 Compensation in respect of orders under section 12(1).
- 15 Revocation of hazardous substances consent on change of control of land.
- 16 Determination of applications for continuation of hazardous substances consent.
- 17 Compensation on revocation or modification of consent under section 15.

Secretary of State's powers

- 18 Reference of applications to Secretary of State.
- 19 Appeals against decisions or failure to take decisions relating to hazardous substances.
- 20 Validity of decisions as to applications.

Contraventions of hazardous substances control

- 21 Offences.
- 22 Power to issue hazardous substances contravention notice.
- 23 Hazardous substances contravention notices: supplementary provisions.
- 24 Variation of hazardous substances contravention notices.
- 25 Interdicts restraining breaches of hazardous substances control.

Miscellaneous provisions

- 26 Temporary exemption directions.
- 27 Registers etc.
- 28 Health and safety requirements.
- 29 Fees.

General

- 30 Application of this Act to planning authorities.
- 30A Application to the Crown
- 30B Enforcement in relation to the Crown
- 30C Reference to an interest in land
- 30D Crown application: transitional
- 31 Exercise of powers in relation to Crown land.
- 32 Application for hazardous substances consent in anticipation of disposal of Crown land.
- 32A Applications for hazardous substances consent by Crown
- 33 Rights of entry.
- 34 Power to issue warrants.
- 35 Rights of entry: supplementary provisions.
- 35A Rights of entry: Crown land
- 36 Application of certain general provisions of principal Act.
- 37 Financial provisions.

Supplemental

- 38 Interpretation.
- 39 Regulations.
- 40 Short title, commencement and extent.

SCHEDULE — Determination of certain appeals by person appointed by Secretary of State

Determination of appeals by appointed person

- 1 (1) The Secretary of State may by regulations prescribe classes...

Powers and duties of appointed person

- 2 (1) An appointed person shall have the same powers and...

Determination of appeals by Secretary of State

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

Appointment of another person to determine appeal

- 5 (1) At any time before the appointed person has determined...

Local inquiries and hearings

- 6 (1) Whether or not the parties have asked for an...

Supplementary provisions

- 7 (1) The Tribunals and Inquiries Act 1992 shall apply to...

Changes to legislation:

Planning (Hazardous Substances) (Scotland) Act 1997 is up to date with all changes known to be in force on or before 25 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 20 applied by 1997 c. 8 s. 241C(5) (as inserted) by [2006 asp 17 s. 29](#)