
Changes to legislation: There are currently no known outstanding effects for the Planning (Consequential Provisions) (Scotland) Act 1997, Paragraph 31. (See end of Document for details)

SCHEDULES

SCHEDULE 2

CONSEQUENTIAL AMENDMENTS

The Local Government, Planning and Land Act 1980 (c. 65)

- 31 (1) In section 3(5)(c) of the Local Government, Planning and Land Act 1980, for “the Town and Country Planning (Scotland) Act 1972” substitute “the Town and Country Planning (Scotland) Act 1997”.
- (2) In section 120(3) of that Act, in paragraph (b) of the definition of “statutory undertakers”, for “the Town and Country Planning (Scotland) Act 1972” substitute “the Town and Country Planning (Scotland) Act 1997”.
- (3) In section 122 of that Act, in each of subsections (1), (2), (3), (6) and (8), for “sections” substitute “section”.
- (4) In section 141(4) of that Act, for “section 278 of the Town and Country Planning (Scotland) Act 1972” substitute “section 195 of the Town and Country Planning (Scotland) Act 1997”.
- (5) In section 148 of that Act—
- (a) in subsection (2), for “section 21 of the 1972 Act” substitute “sections 30 and 31 of the 1997 Act”; and
 - (b) in subsection (3), for “section 52(1) of the 1972 Act” substitute “section 1 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997”.
- (6) In section 149 of that Act—
- (a) in subsection (6), for the words from “Part III” to “1973)” substitute “Part III of the 1997 Act”;
 - (b) in subsection (8)(a), for “the 1972 Act” substitute “the 1997 Act and the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997”;
 - and
 - (c) in subsection (8)(b), for “the 1972 Act” substitute “those Acts”.
- (7) In section 170 of that Act—
- (a) in subsection (1)(b), for “the 1972 Act” substitute “the 1997 Act”; and
 - (b) in subsection (3)(a), for “Part XI of the 1972 Act” and “the said Part XI” substitute respectively “Part X of the 1997 Act” and “the said Part X”.
- (8) In section 171 of that Act, for “1972” in both places where it occurs substitute “1997”.
- (9) In paragraph 15 of Schedule 27 to that Act, for “Schedule 24 to the Town and Country Planning (Scotland) Act 1972” substitute “Schedule 15 to the Town and Country Planning (Scotland) Act 1997”.

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(10) In Schedule 28 to that Act—

- (a) in paragraph 8, for “Section 118 of the 1972 Act” substitute “ Section 197 of the 1997 Act ”;
- (b) in paragraph 11(2)(b)(i), for the words from “exercising” to “1973” substitute “ within the meaning of section 1 of the 1997 Act ”;
- (c) in paragraph 14(6), for “sections 227 and 229 of the 1972 Act” and “section 226(2) of the 1972 Act” substitute respectively “ sections 233 and 235 of the 1997 Act ” and “ section 232(2) of the 1997 Act ”; and
- (d) in paragraph 16(8), for “sections 227 and 229 of the 1972 Act” and “section 226(3) of the 1972 Act” substitute respectively “ sections 233 and 235 of the 1997 Act ” and “ section 232(4) of the 1997 Act ”.

(11) In Schedule 30 to that Act, for the enactments referred to in Part I substitute—

“Sections 125, 127 to 129, 135, 140, 141, 147, 159 to 161, 163, 167, 168, 170, 172, 174, 175, 179, 182 and 186 of the 1997 Act.

Sections 3, 4, 7, 9, 12 to 14, 20 to 24, 34, 38, 42, 43, 45, 48(1), 49, 61 to 64, 66, 73(2) to (4) and 77 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.”

(12) For paragraphs 1 to 9 of Part II of that Schedule substitute—

- “1 Section 90 of the 1997 Act shall have effect as if after “undertakers” there were inserted—
 - (a) in subsection (1)(b), “or an urban development corporation”;
 - (b) in subsection (1)(c), “or any urban development corporation”;
 - and
 - (c) in subsection (3), “or urban development corporation”.
 - 2 Section 91(2)(c) of that Act shall have effect as if, after “undertakers”, there were inserted “or an urban development corporation”.
 - 3 Section 92(4) of that Act shall have effect as if, after “undertakers” in the first and second places where it occurs, there were inserted respectively “or an urban development corporation” and “or that corporation”.
 - 4 Section 94(1)(b) of that Act shall have effect as if, after “undertakers” in the first and second places where it occurs, there were inserted respectively “or an urban development corporation” and “or that corporation”.
 - 5 The definition of “relevant provisions” in section 99 of that Act shall have effect as if, after “undertaking”, there were added “or, in the case of an urban development corporation, section 142 of the Local Government, Planning and Land Act 1980”.
 - 6 Section 203 of that Act shall have effect as if—
 - (a) in subsection (1), after “applies” there were inserted “subject to subsection (1A)”;
 - and
 - (b) the following subsection were inserted after that subsection—
- (”) Any reference in this section and in section 203 to a competent authority is to be construed as including a reference to an urban development corporation.”

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- 7 Section 205 of that Act shall have effect as if, after “authorities”, there were inserted “and, in an urban development area, the urban development corporation”.
- 8 Section 206 of that Act shall have effect as if—
- (a) in subsection (1), for “Where” there were substituted “Subject to subsection (1A), where”; and
 - (b) the following subsection were inserted after that subsection—
- (”) Where any land has been acquired by an urban development corporation or has vested in such a corporation and is for the time being held by them for the purpose of regenerating their area—
- (a) the Secretary of State may by order extinguish any public right of way over the land if he is satisfied that an alternative right of way has been or will be provided or that the provision of an alternative right of way is not required;
 - (b) subject to paragraphs 4 and 5 of Schedule 16 to this Act, the urban development corporation may by order extinguish any such right over the land, being a footpath or bridleway, if they are so satisfied.”
- 9 Section 272 of that Act shall have effect as if, in subsection (1), after “local authority” there were inserted “or an urban development corporation”.
- 10 Section 29 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 shall have effect as if—
- (a) in subsection (1)(b) and (c), after “undertakers” there were inserted “or an urban development corporation”; and
 - (b) in subsection (3), after “undertakers” there were inserted “or corporation”.
- 11 Section 30 of that Act shall have effect as if—
- (a) in subsection (2)(c), after “undertakers” there were inserted “or an urban development corporation”; and
 - (b) in each of subsections (3), (4) and (5), after “undertakers” there were inserted “or corporation”.
- 12 Section 31(6) of that Act shall have effect as if after “undertakers” there were inserted “or an urban development corporation”.
- 13 Section 32(4) of that Act shall have effect as if after “undertakers” in the first and second places where it occurs there were inserted respectively “or an urban development corporation” and “or that corporation”.
- 14 Section 81(2) of that Act shall have effect as if “urban development corporation” were inserted in the appropriate place.”
- (13) In Schedule 32 to that Act—
- (a) in paragraph 7(3), for “subsection (8) of section 265 and subsections (1) to (6) of section 266 of the 1972 Act” and “to section 265” substitute respectively “subsection (6) of section 269 and section 270 of the 1997 Act” and “to section 269”;
 - (b) in paragraph 8, for “1972”, in both places where it occurs, substitute “1997”; and

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- (c) in paragraph 26—
- (i) in sub-paragraph (1), for “the 1972 Act”, in the first place where those words occur, substitute “ the 1997 Act, the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 or the Planning (Hazardous Substances) (Scotland) Act 1997 ”;
 - (ii) in that sub-paragraph, for the definition of “the 1972 Act” substitute—
 - ““the 1997 Act” means the Town and Country Planning (Scotland) Act 1997”; and
 - (iii) in sub-paragraph (2)(b), for “1972” substitute “ 1997 ”.

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