



# Town and Country Planning (Scotland) Act 1997

## 1997 CHAPTER 8

An Act to consolidate certain enactments relating to town and country planning in Scotland with amendments to give effect to recommendations of the Scottish Law Commission. [27th February 1997]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### Modifications etc. (not altering text)

- C1 Act excluded (27.5.1997) by 1997 c. 9, **ss. 45(4)**, 83(2)  
Act modified (27.5.1997) by 1997 c. 9, **ss. 64(2)(a)**, 83(2) (with s. 45(4))  
Act: power to modify Act conferred (27.5.1997) by 1997 c. 9, **ss. 67(8)(9)**, 83(2) (with s. 45(4))  
Act amended (27.5.1997) by 1997 c. 9, **ss. 81(4)**, 83(2) (with s. 45(4))  
Act amended (27.5.1997) by 1997 c. 11, **ss. 5, 6(2)**, **Sch. 3 para. 8**  
Act applied (27.5.1997) by 1997 c. 11, **ss. 1(2)**, 6(2)  
Act applied (5.9.2002) by S.S.I. 2002/410, **art. 57(3)** (with arts. 59, 61)
- C2 Act applied (8.5.2006) by [Edinburgh Tram \(Line One\) Act 2006 \(asp 7\)](#), **s. 74(1)** (with **ss. 76, 84**)
- C3 Act applied (12.6.2006) by [Planning and Compulsory Purchase Act 2004 \(Transitional Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/269\)](#), **art. 3(9)**
- C4 Act applied (24.7.2006) by [Waverley Railway \(Scotland\) Act 2006 \(asp 13\)](#), **s. 37(1)** (with **ss. 50(2), 51**)
- C5 Act applied (1.4.2007) by [Town and Country Planning \(Marine Fish Farming\) \(Scotland\) Order 2007 \(S.S.I. 2007/268\)](#), **art. 14(5)** (with **art. 14(3)**)
- C6 Act applied (23.5.2008) by [Dumfries and Galloway Council \(Port William\) Harbour Empowerment Order 2008 \(S.S.I. 2008/188\)](#), **art. 53(3)** (with arts. 53-56)
- C7 Act applied (23.5.2008) by [Dumfries and Galloway Council \(Garlieston\) Harbour Empowerment Order 2008 \(S.S.I. 2008/190\)](#), **art. 53(3)** (with arts. 53(1), 54-56)

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**Changes to legislation:** *Town and Country Planning (Scotland) Act 1997, Introductory Text is up to date with all changes known to be in force on or before 19 April 2024. 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*

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- C8** Act construed as one with S.I. 1994/2716, regs. 54-67 by virtue of S.I. 1994/2716, reg. 68(b) (as substituted (1.10.2009) by [Conservation \(Natural Habitats, &c.\) \(Amendment\) \(No.2\) Regulations 2009 \(S.I. 2009/2438\)](#), regs. 1(1), **6(2)**)
- C9** Act continued (1.4.2010) by [The Management of Extractive Waste \(Scotland\) Regulations 2010 \(S.S.I. 2010/60\)](#), **reg. 10(3)** (with arts. 4, 5)
- C10** Act applied in part (18.3.2011) by [Forth Crossing Act 2011 \(asp 2\)](#), **ss. 62(3)**, 80(2) (with ss. 69, 78); [S.S.I. 2011/38](#), art. 2, sch.
- C11** Act modified (27.9.2011) by [The Caledonian Maritime Assets \(Kennacraig\) Harbour Revision Order 2011 \(S.S.I. 2011/347\)](#), **art. 15(a)**
- C12** Act applied in part (with modifications) (S.) (11.4.2017) by [The Network Rail \(Glasgow Queen Street Station\) Order 2017 \(S.S.I. 2017/100\)](#), **Sch. 7 para. 1(2)-(5)** (with art. 37, sch. 7 paras. 1(6), 2)
- C13** Act modified (4.3.2021) by [The Eyemouth Harbour Revision Order 2021 \(S.S.I. 2021/118\)](#), arts. 1(1), **12(3)** (with arts. 36, 37)

**Changes to legislation:**

Town and Country Planning (Scotland) Act 1997, Introductory Text is up to date with all changes known to be in force on or before 19 April 2024. 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.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act applied by [S.S.I. 2008/189 art. 53\(3\)](#)
- Act power to apply (with or without modifications) conferred by [2021 asp 9 s. 45\(3\)\(b\)\(c\)](#)

**Whole provisions yet to be inserted into this Act (including any effects on those provisions):**

- Pt. 11A inserted by [2006 asp 17 s. 29](#)
- Pt. 12A inserted by [2006 asp 17 s. 30](#)
- Pt. 12A inserted by [2019 asp 13 s. 46\(2\)](#)
- s. 3CD inserted by [2019 asp 13 s. 4\(2\)](#)
- s. 20AA(4)(a)(iii) inserted by [2019 asp 13 s. 14\(6\)](#)
- s. 29(1)(ca) inserted by [2019 asp 13 Sch. 2 para. 5\(3\)\(b\)](#)
- s. 36(1)(ca) inserted by [2019 asp 13 Sch. 2 para. 5\(4\)\(b\)](#)
- s. 36(5)(6) inserted by [2019 asp 13 s. 36\(2\)](#)
- s. 40A inserted by [2019 asp 13 s. 19\(2\)](#)
- s. 43A-43AD substituted for s. 43A by [2019 asp 13 s. 28\(2\)](#)
- s. 47(2)(aa) inserted by [2019 asp 13 s. 28\(3\)\(a\)](#)
- s. 47(2A) inserted by [2019 asp 13 s. 28\(3\)\(b\)](#)
- s. 47(6) inserted by [2019 asp 13 s. 31\(2\)\(c\)](#)
- s. 54A-54F and cross-heading inserted by [2019 asp 13 s. 15\(2\)](#)
- s. 57(2C)(2D) inserted by [2021 asp 9 s. 44\(2\)](#)
- s. 58(4)(fa) inserted by [2019 asp 13 Sch. 2 para. 5\(5\)\(b\)](#)
- s. 61(1)(ba) inserted by [2019 asp 13 Sch. 2 para. 5\(6\)\(b\)](#)
- s. 75(4A) inserted by [2019 asp 13 s. 35\(2\)](#)
- s. 75A(5A) inserted by [2019 asp 13 s. 35\(3\)](#)
- s. 77A inserted by [2019 asp 13 s. 39\(2\)](#)
- s. 135(4A) inserted by [2019 asp 13 s. 43\(2\)\(c\)](#)
- s. 154(1)(c) and word inserted by [2019 asp 13 s. 28\(4\)\(a\)\(ii\)](#)
- s. 154(1A) inserted by [2019 asp 13 s. 28\(4\)\(b\)](#)
- s. 158A(1A) inserted by [2019 asp 13 s. 44\(2\)](#)
- s. 158B-158F and cross-heading inserted by [2019 asp 13 s. 43\(3\)](#)
- s. 183(1)(c) inserted by [2019 asp 13 Sch. 2 para. 5\(7\)\(b\)](#)
- s. 237(1)(ba) inserted by [2019 asp 13 Sch. 2 para. 5\(8\)](#)
- s. 238(3)(a)-(c) inserted by [2019 asp 13 Sch. 2 para. 5\(9\)\(a\)\(ii\)](#)
- s. 238(5)(ba) inserted by [2019 asp 13 Sch. 2 para. 5\(9\)\(b\)](#)
- s. 238(7) inserted by [2019 asp 13 Sch. 2 para. 5\(9\)\(c\)](#)