



# Planning and Compulsory Purchase Act 2004

## 2004 CHAPTER 5

### PART 7

#### CROWN APPLICATION OF PLANNING ACTS

#### CHAPTER 2

#### SCOTLAND

#### *Miscellaneous*

#### **97 Old mining permissions: Scotland**

- (1) Subsection (2) applies if—
  - (a) an old mining permission relates to land which is Crown land, and
  - (b) the permission has not been registered in pursuance of Part 2 of Schedule 8 to the Town and Country Planning (Scotland) Act 1997.
- (2) Paragraph 10 of that Schedule and that Part apply to the old mining permission subject to the following modifications—
  - (a) in sub-paragraph (3) of that paragraph, for “16th May 1991” there is substituted “the date of commencement of section 97(2) of the Planning and Compulsory Purchase Act 2004”,
  - (b) in paragraph 13(3) of that Part, for “24 January 1992” there is substituted “the date of commencement of section 97(2) of the Planning and Compulsory Purchase Act 2004”.
- (3) “Old mining permission” must be construed in accordance with paragraph 10 and Part 2 of that Schedule.

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*Status: This is the original version (as it was originally enacted).*

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- (4) “Crown land” must be construed in accordance with Part 12 of the Town and Country Planning (Scotland) Act 1997.

**98 Subordinate legislation: Scotland**

- (1) The Scottish Ministers may by order provide that relevant subordinate legislation applies to the Crown.
- (2) The order may modify such subordinate legislation to the extent that the Scottish Ministers think appropriate for the purposes of its application to the Crown.
- (3) Relevant subordinate legislation is an instrument which—
- (a) is made under or (wholly or in part) for the purposes of any of the Scottish planning Acts,
  - (b) is made before the commencement of section 90 of this Act, and
  - (c) is specified in the order.
- (4) In subsection (3), “instrument” includes an instrument made under an Act of the Scottish Parliament.