



Town and Country Planning (Scotland) Act 1947

1947 CHAPTER 53 10 and 11 Geo 6

An Act to make fresh provision with respect to Scotland for planning the development and use of land, for the grant of permission to develop land and for other powers of control over the use of land; to confer on public authorities additional powers in respect of the acquisition and development of land for planning and other purposes, and to amend the law relating to compensation in respect of the compulsory acquisition of land; to provide for payments out of central funds in respect of depreciation occasioned by planning restrictions; to secure the recovery for the benefit of the community of development charges in respect of certain new development; to provide for the payment of grants out of central funds in respect of expenses of local planning authorities in connection with the matters aforesaid; and for purposes connected with the matters aforesaid.

[13th August 1947]

.....

Modifications etc. (not altering text)

- C1 Act extended by [Countryside \(Scotland\) Act 1967 \(c. 86\), s. 8](#) and [Town and Country Planning \(Scotland\) Act 1969 \(c. 30\), s. 103\(2\)](#)
- C2 Words of enactment omitted under authority of [Statute Law Revision Act 1948 \(c. 62\), s. 3](#)

PART I

1 ^{F1}

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Textual Amendments

- F1 Ss. 1–43, 44(2), 46(1)–(7)(9), 47–108, 109(2)–(6), 110–112, 113(2)–(4) repealed by [Town and Country Planning \(Scotland\) Act 1972 \(c. 52\), Sch. 23](#).

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Town and Country Planning (Scotland) Act 1947. (See end of Document for details)

2 F2

Textual Amendments

F2 Ss. 1–43, 44(2), 46(1)–(7)(9), 47–108, 109(2)–(6), 110–112, 113(2)–(4) repealed by [Town and Country Planning \(Scotland\) Act 1972 \(c. 52\)](#), **Sch. 23**.

PART II

3–33. F3

Textual Amendments

F3 Ss. 1–43, 44(2), 46(1)–(7)(9), 47–108, 109(2)–(6), 110–112, 113(2)–(4) repealed by [Town and Country Planning \(Scotland\) Act 1972 \(c. 52\)](#), **Sch. 23**.

PART III

ACQUISITION OF LAND, ETC

Modifications etc. (not altering text)

C3 Pt. III modified by [Land Compensation \(Scotland\) Act 1963 \(c. 51\)](#), s. 17, **Sch. 2 para. 1(1)**

34— F4
43.

Textual Amendments

F4 Ss. 1–43, 44(2), 46(1)–(7)(9), 47–108, 109(2)–(6), 110–112, 113(2)–(4) repealed by [Town and Country Planning \(Scotland\) Act 1972 \(c. 52\)](#), **Sch. 23**.

Powers relating to highways

44
(1) F5
(2) F6

Textual Amendments

F5 Ss. 44(1), 45 repealed by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(3), **Sch. 11** (with s. 128(1))

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F6 Ss. 1–43, 44(2), 46(1)–(7)(9), 47–108, 109(2)–(6), 110–112, 113(2)–(4) repealed by [Town and Country Planning \(Scotland\) Act 1972 \(c. 52\)](#), **Sch. 23**.

45 **F7**

Textual Amendments

F7 Ss. 44(1), 45 repealed by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(3), **Sch. 11** (with s. 128(1))

46 †**Power to stop up and divert highways, etc.**

(1) **F8**

(8) Section three of the ^{M1}Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947 (which enables the Secretary of State to extinguish certain public rights of way over land acquired under that Act), shall apply in relation to land acquired before the commencement of that Act by a local authority being—

- (a) land acquired compulsorily under any such enactment as is specified in paragraph (a) of subsection (1) of section one of that Act, or
- (b) land acquired by agreement for a purpose such that the land could have been so acquired compulsorily.

(9) **F8**

Textual Amendments

F8 Ss. 1–43, 44(2), 46(1)–(7)(9), 47–108, 109(2)–(6), 110–112, 113(2)–(4) repealed by [Town and Country Planning \(Scotland\) Act 1972 \(c. 52\)](#), **Sch. 23**.

Modifications etc. (not altering text)

C4 A dagger appended to a marginal note means that it is no longer accurate

C5 S. 46 extended [Land Powers \(Defence\) Act 1958 \(c. 30\)](#), **ss. 8, 9(4)**; amended by [Mineral Workings Act 1951 \(c. 60\)](#), **ss. 32(1)(2)(4)**, 40(6)

Marginal Citations

M1 1947 c. 42.

PARTS IV—VIII

47— **F9**

95.

Textual Amendments

F9 Ss. 1–43, 44(2), 46(1)–(7)(9), 47–108, 109(2)–(6), 110–112, 113(2)–(4) repealed by [Town and Country Planning \(Scotland\) Act 1972 \(c. 52\)](#), **Sch. 23**.

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PART IX

SUPPLEMENTAL

96— ^{F10}
98.

Textual Amendments

F10 Ss. 1–43, 44(2), 46(1)–(7)(9), 47–108, 109(2)–(6), 110–112, 113(2)–(4) repealed by [Town and Country Planning \(Scotland\) Act 1972 \(c. 52\)](#), **Sch. 23**.

General Provisions

99— ^{F11}
108

Textual Amendments

F11 Ss. 1–43, 44(2), 46(1)–(7)(9), 47–108, 109(2)–(6), 110–112, 113(2)–(4) repealed by [Town and Country Planning \(Scotland\) Act 1972 \(c. 52\)](#), **Sch. 23**.

109 †**Amendments and repeals.**

- (1) Subject to the provisions of this section, the enactments specified in the first column of the Eighth Schedule to this Act shall have effect, on and after the appointed day, subject to the amendments specified in the second column of that Schedule, being minor amendments and amendments consequential on the provisions of this Act.

(2) ^{F12}

Textual Amendments

F12 Ss. 1–43, 44(2), 46(1)–(7)(9), 47–108, 109(2)–(6), 110–112, 113(2)–(4) repealed by [Town and Country Planning \(Scotland\) Act 1972 \(c. 52\)](#), **Sch. 23**.

Modifications etc. (not altering text)

C6 A dagger appended to a marginal note means that it is no longer accurate

110— ^{F13}
112.

Textual Amendments

F13 Ss. 1–43, 44(2), 46(1)–(7)(9), 47–108, 109(2)–(6), 110–112, 113(2)–(4) repealed by [Town and Country Planning \(Scotland\) Act 1972 \(c. 52\)](#), **Sch. 23**.

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113 Interpretation.

- (1) ^{F14}
..... ^{F14}
“land” includes land covered with water and any building as defined by this section, and, in relation to the acquisition of land under Part III of this Act, includes any interest or right in or over land;
..... ^{F14}
“local authority” means a [^{F15}county council, town council or district council, or any other authority within the meaning of the ^{M2}Local Authorities Loans (Scotland) Act, 1891, and includes any joint board or joint committee of which all the constituent authorities are such local authorities as aforesaid;]^{F15} regional, islands or district council]
..... ^{F14}
- (2)—(4) . . . ^{F16}
- (5) References in this Act to any enactment shall be construed as references to that enactment as amended by any subsequent enactment including, except where the context otherwise requires, this Act.

Textual Amendments

- F14** S. 113(1) except the definitions of “land” and “local authority” repealed by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(3), **Sch. 11** (with s. 128(1))
- F15** Words “regional” to “council” substituted for words “county” to “aforesaid” (16.5.1975) by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), s. 238(2), **Sch. 23 para. 3**
- F16** Ss. 1–43, 44(2), 46(1)–(7)(9), 47–108, 109(2)–(6), 110–112, 113(2)–(4) repealed by [Town and Country Planning \(Scotland\) Act 1972 \(c. 52\)](#), **Sch. 23**.

Marginal Citations

- M2** 1891 c. 34.

114 †Short title, commencement and extent.

- (1) This Act may be cited as the Town and Country Planning (Scotland) Act, 1947.
- (2) ^{F17}
- (3) This Act shall extend to Scotland only.

Textual Amendments

- F17** S. 114(2) repealed by [Statute Law Revision Act 1950 \(c. 6\)](#)

Modifications etc. (not altering text)

- C7** A dagger appended to a marginal note means that it is no longer accurate

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F18F18
FIRST TO
SEVENTH SCHEDULES

Textual Amendments

F18 Schs. 1–7, 9–11 repealed by Town and Country Planning (Scotland) Act 1972 (c. 52), **Sch. 23**

F18

EIGHTH SCHEDULE

Sections 41, 100 and 109.

ENACTMENTS AMENDED

Modifications etc. (not altering text)

C8 The text of Sch. 8 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Enactments amended

Amendments

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F19

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F23

The
M3
Camps Act, 1939.

In section two, in subsection (1) the words “by means of a compulsory purchase order made by the company and confirmed” shall be omitted.

In section seven, for paragraphs (b) and (c) there shall be substituted the following paragraph—

(b) section two of this Act shall have effect as if for subsections (2) and (3) thereof the following subsection were substituted:—

(2) The Acquisition of Land (Authorisation Procedure)(Scotland) Act, 1947, shall have effect as if any reference therein to a local authority (except the references

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	thereto in subsection (2) of section one, in section two and in paragraph 9 of the First Schedule) included a reference to a recognised company.
... F24	... F24
... F21	... F21
... F25	... F25
... F21	... F21
The M4 Building Restrictions (War-Time Contraventions) Act, 1946.	In section eight, in subsection (2), the words from “for references to the Town and Country Planning Act, 1932” to the end of the subsection shall be omitted ; and in subsection (5) after paragraph (b) there shall be inserted the following paragraphs:— (c) for the definition of “authority responsible for enforcing planning control” there were substituted the following definition:— “authority responsible for enforcing planning control” means, in relation to any works on land or use of land, the authority empowered by virtue of section seventy-two of the Town and Country Planning (Scotland) Act, 1947, to serve an enforcement notice in respect thereof under Part II of that Act, or the authority who would be so empowered if the works had been carried out or the use begun otherwise than in compliance with planning control ; and (d) in subsection (5) for the words from “conferred by” to “development order” there shall be substituted the words “conferred by section seventy-two of the Town and Country Planning (Scotland) Act, 1947”.
... F26	... F26
... F27	... F27
... F21	... F21

Textual Amendments

F19 Entry repealed by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), **Sch. 29**

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- F20** Entry repealed by [Betting Gaming and Lotteries Act 1963 \(c. 2\)](#), **Sch. 8**
- F21** Entries repealed by [Statute Law \(Repeals\) Act 1975 \(c. 10\)](#), **Sch. Pt. XII**
- F22** Entry repealed by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(3), **Sch. 11** (with s. 128(1))
- F23** Entry repealed by [Statute Law \(Repeals\) Act 1975 \(c. 10\)](#), **Sch. Pt. XII** and by [Statute Law \(Repeals\) Act 1989 \(c.43\)](#), s. 1(1), **Sch. 1 Pt. VII**
- F24** Entry repealed by [Town and Country Planning \(Scotland\) Act 1972 \(c. 52\)](#), **Sch. 23**
- F25** Entry repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), **Sch. 1 Pt. VII**
- F26** Entry repealed by [New Towns \(Scotland\) Act 1968 \(c. 16\)](#), **Sch. 11**
- F27** Entry repealed by [Civil Aviation Act 1949 \(c. 67\)](#), **Sch. 12**

Marginal Citations

- M3** 2 & 3 Geo. 6. c. 22.
- M4** 9 & 10 Geo. 6. c. 35.

F28F28
NINTH TO
ELEVENTH SCHEDULES

Textual Amendments

- F28** [Schs. 1–7, 9–11](#) repealed by [Town and Country Planning \(Scotland\) Act 1972 \(c. 52\)](#), **Sch. 23**

F28

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

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