



Town and Country Planning (Scotland) Act 1947

1947 CHAPTER 53

PART II

PLANNING AND CONTROL OF DEVELOPMENT, &C.

Supplemental.

32 Application to local authorities and statutory undertakers.

(1) Where the sanction of a government department other than the Secretary of State is required by virtue of any enactment in respect of development to be carried out by any local authority or by any statutory undertakers not being a local authority, that department may, upon granting that sanction, direct that planning permission for that development shall be deemed to be granted subject to such conditions (if any) as may be specified in the directions: and the provisions of this Part of this Act shall apply in relation to any permission deemed to be granted by virtue of such directions as if the application for that permission had been granted by the Secretary of State on an application referred to him under section thirteen of this Act.

(2) Without prejudice to the provisions of the foregoing subsection, the provisions set out in the Fifth Schedule to this Act (being provisions re-enacting with additions and modifications sections thirty-four and thirty-five of the Act of 1945) shall have effect for the purposes of the application of this Part of this Act to land of statutory undertakers being operational land as defined by this Act, and to the development of such land by such undertakers:

Provided that the provisions of the said Schedule shall not apply in relation to the display of advertisements on operational land.

(3) In relation to land of local planning authorities and to the development by local authorities of land in respect of which they are the local planning authority, the provisions of this Part of this Act (including, in the case of a local planning authority

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

who carry on a statutory undertaking, the last foregoing subsection and the Fifth Schedule to this Act) shall have effect subject to such exceptions and modifications as may be prescribed by regulations made under this Act, and in particular such regulations may (subject to the provisions of subsection (1) of this section) provide for securing—

- (a) that any application by such an authority for planning permission to develop such land, or for any other consent required in relation to such land under this Part of this Act, shall be made to the Secretary of State instead of to the local planning authority;
 - (b) that any notice or order authorised to be served or made under this Part of this Act in relation to such land shall be served or made by the Secretary of State instead of by that authority.
- (4) For the purposes of this section and of the Fifth Schedule to this Act development by a local authority or by statutory undertakers shall be deemed to be sanctioned by a government department if—
- (a) any consent, authority or approval to or for the development is granted by the department in pursuance of any enactment;
 - (b) a compulsory purchase order is confirmed by the department authorising the purchase of land for the purpose of the development;
 - (c) consent is granted by the department to the appropriation of land for the purpose of the development, or the acquisition of land by agreement for that purpose;
 - (d) authority is given by the department for the borrowing of money for the purpose of the development, or for the application for that purpose of any money not otherwise so applicable; or
 - (e) any undertaking is given by the department to pay a grant in respect of the development in accordance with any enactment authorising the payment of such grants,

and references in this section and in the said Fifth Schedule to the sanction of a government department shall be construed accordingly.

33 Temporary provisions pending approval of plans.

Where, under the foregoing provisions of this Part of this Act, a local planning authority are required to have regard to the provisions of the development plan in relation to the exercise of any of their functions, then, in relation to the exercise of those functions during any period "before such a plan has become operative with respect to the district of that authority, that authority shall have regard to any directions which may be given to them by the Secretary of State as to the provisions to be included in such a plan, and subject to any such directions shall have regard to the provisions which in their opinion will be required to be so included for securing the proper planning of the said district.