

SCHEDULE 2

PART I

MODIFICATIONS OF ACTS OF PARLIAMENT

Town and Country Planning (Scotland) Act 1997 (c. 8)

- 127.**—(1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) For section 121(11) (“appropriate enactment” for purposes of Chapter II), there is substituted—
- “(11) If any question arises as to which enactment is the appropriate enactment in relation to any land for the purposes of this Chapter, that question shall be referred to the Scottish Ministers whose decision shall be final.”.
- (3) Section 217 (meaning of “the appropriate Minister”) is omitted.
- (4) In section 218 (applications for planning permission by statutory undertakers)—
- (a) in subsection (1), for “Secretary of State” and “Secretary of State and the appropriate Minister” there is substituted “Scottish Ministers”; and
- (b) subsection (3) is omitted.
- (5) In section 220(1) (development requiring authorisation of government department), for “Secretary of State and the appropriate Minister” there is substituted “Scottish Ministers”.
- (6) Sections 221 (revocation or modification of permission to develop operational land), 222 (order requiring discontinuance of use etc. of operational land) and 223 (acquisition of land of statutory undertakers) are omitted.
- (7) In section 224 (extinguishment of rights of statutory undertakers: preliminary notices)—
- (a) in subsection (6), for “Secretary of State and the appropriate Minister” there is substituted “Scottish Ministers”; and
- (b) in subsection (7), for “a Minister”, “he” and “he and the appropriate Minister” there is substituted “the Scottish Ministers”.
- (8) In section 225 (extinguishment of rights of telecommunications code system operators: preliminary notices)—
- (a) in subsection (6)(b), for “Secretary of State and the Secretary of State for Trade and Industry” there is substituted “Scottish Ministers”; and
- (b) in subsection (7)—
- (i) for “a Minister” there is substituted “the Scottish Ministers”; and
- (ii) for “he” and “he and the Secretary of State for Trade and Industry”, there is substituted “they”.
- (9) In section 226 (notice for same purposes as sections 224 and 225 but given by undertakers to developing authority)—
- (a) in subsection (5), for “Secretary of State and the appropriate Minister” in both places where these words appear there is substituted “Scottish Ministers”; and
- (b) in subsection (6), for “Ministers” there is substituted “the Scottish Ministers”; and
- (c) subsection (8)(b) is omitted.
- (10) In section 227 (orders under section 224 and 225)—
- (a) in subsection (1), for “a Minister and the appropriate Minister” there is substituted “the Scottish Ministers”;

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- (b) in subsection (2), for “Ministers proposing to make the order” there is substituted “Scottish Ministers”;
 - (c) in subsection (3), for “Secretary of State and the appropriate Minister” there is substituted “Scottish Ministers”; and
 - (d) subsection (6) is omitted.
- (11) In section 228 (extension or modification of functions of the statutory undertakers)—
- (a) in subsection (1), for “Secretary of State and the appropriate Minister” there is substituted “Scottish Ministers”;
 - (b) in subsection (1)(a), for “Minister” there is substituted “the Scottish Ministers”;
 - (c) in subsection (3)—
 - (i) for “or Minister, it appears to the Secretary of State and the appropriate Minister” there is substituted “, it appears to the Scottish Ministers”; and
 - (ii) the words “or Minister” in the later two places where they appear are omitted;
 - (d) in subsection (4), for “Secretary of State and the appropriate Minister” there is substituted “Scottish Ministers”;
 - (e) in subsection (5)(c) “or Minister” is omitted; and
 - (f) in subsection (5)(d) for “Secretary of State and the appropriate Minister” there is substituted “Scottish Ministers”.
- (12) In section 229 (procedure in relation to orders under section 228)—
- (a) in subsection (1), “or Minister” is omitted; and
 - (b) in subsection (2) and (3)(b), for “Secretary of State and the appropriate Minister” there is substituted “Scottish Ministers”.
- (13) In section 230 (relief of statutory undertakers from obligations rendered impracticable)—
- (a) in subsection (1), for “appropriate Minister” there is substituted “Scottish Ministers” and for “if he thinks fit” there is substituted “if they think fit”;
 - (b) in subsection (3), for “appropriate Minister” there is substituted “Scottish Ministers” and for “him” and “he” there is substituted “them” and “they”; and
 - (c) in subsection (6), for “appropriate Minister” there is substituted “Scottish Ministers”, for “him” and “he” there is substituted “them” and “they”, and for “thinks” there is substituted “think”.
- (14) In section 231 (objections to orders under sections 228 and 230)—
- (a) in subsection (3), for “appropriate Minister” there is substituted “Scottish Ministers”, for “he” there is substituted “they” and for “thinks” there is substituted “think”;
 - (b) in subsection (4), for “appropriate Minister” there is substituted “Scottish Ministers”;
 - (c) in subsection (5), for “appropriate Minister” there is substituted “Scottish Ministers”, for “he” there is substituted “they”;
 - (d) in subsection (6), for “appropriate Minister” there is substituted “Scottish Ministers”;
 - (e) in subsection (7), for “appropriate Minister” there is substituted “Scottish Ministers”, “or Minister” is omitted, and for “him” there is substituted “them”;
 - (f) in subsection (8), for “appropriate Minister” there is substituted “Scottish Ministers”, for “he” there is substituted “they”;
 - (g) in subsection (9), for “appropriate Minister” there is substituted “Scottish Ministers”; and
 - (h) subsection (11) is omitted.

- (15) In section 232 (right to compensation in respect of certain decisions and orders)—
 - (a) in subsection (4)(b), for “Ministers” there is substituted “the Scottish Ministers”;
 - (b) in subsection (5)(b), for “Secretary of State and the appropriate Minister” there is substituted “Scottish Ministers”; and
 - (c) in subsection (6), for “Secretary of State and the appropriate Minister” there is substituted “Scottish Ministers”.
- (16) In section 233 (measure of compensation to statutory undertakers etc.)—
 - (a) in subsection (1)(a)(iii), for “appropriate Minister’s certificate” there is substituted “Scottish Ministers’ certificate”; and
 - (b) in subsection (8), for “appropriate Minister’s certificate” there is substituted “Scottish Ministers’ certificate”.
- (17) In section 235 (procedure for assessing compensation)—
 - (a) in subsection (2)(b) for “Secretary of State” there is substituted “Scottish Ministers”; and
 - (b) in subsection (2)(c)—
 - (i) for “appropriate Minister”, there is substituted “Scottish Ministers”;
 - (ii) for “appropriate”, there is substituted “those”.
- (18) Section 240 (special provisions as to decisions relating to statutory undertakers) is omitted.
- (19) In section 253 (grants for research and education), “with the consent of the Treasury” is omitted.
- (20) In section 262(2) (power to modify Act in relation to minerals), “may be made only with the consent of the Treasury and” is omitted.
- (21) In section 270(9) (supplementary provisions as to rights of entry), for “appropriate Minister” there is substituted “Scottish Ministers”.
- (22) In section 277 (interpretation)—
 - (a) in subsection (1), the definition of “the appropriate Minister” is omitted;
 - (b) subsection (2) is omitted; and
 - (c) for subsection (3), there is substituted—

“(3) If, in relation to anything required or authorised to be done under this Act, any question arises whether land of statutory undertakers is operational land, that question shall be determined by the Scottish Ministers.”.
- (23) In paragraph 1(1) of Schedule 13 (regulations as to compensation in respect of orders relating to mineral working), “made with the consent of the Treasury” is omitted.
- (24) In paragraph 9(4) of Schedule 16 (confirmation of orders), for “whichever Minister is the appropriate Minister in relation to the statutory undertakers concerned” there is substituted “the Scottish Ministers”.