

2010 No. 431

TOWN AND COUNTRY PLANNING

The Planning etc. (Scotland) Act 2006 (Saving and Transitional Provisions) Order 2010

Made - - - - - *2nd December 2010*

Laid before the Scottish Parliament *6th December 2010*

Coming into force - - - *1st February 2011*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 58(1) of the Planning etc. (Scotland) Act 2006^(a) and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Planning etc. (Scotland) Act 2006 (Saving and Transitional Provisions) Order 2010 and comes into force on 1st February 2011.

(2) In this Order—

“the Act” means the Town and Country Planning (Scotland) Act 1997^(b);

“the 2006 Act” means the Planning etc. (Scotland) Act 2006.

Tree preservation orders

2. Notwithstanding the commencement of sections 28(3) (tree preservation orders) and 56 (repeals) of and the schedule (repeals) to the 2006 Act on 1st February 2011, sections 161 (form and procedure applicable to orders) and 163 (provisional tree preservation orders) of the Act shall continue to apply as they did immediately before that date in relation to an order made under section 160(1) of the Act before that date.

^(a) 2006 asp 17. Sections 23(1), 28(3) and 56 and the relevant provisions of the schedule are commenced by S.S.I. 2010/400 (C. 26).

^(b) 1997 c.8.

Planning obligations

3. Notwithstanding the commencement of section 23(1) (planning obligations) of the 2006 Act on 1st February 2011, sections 75(5) and (6) (planning obligations) and 75C (planning obligations: continuing liability) of the Act (as those provisions have effect on that date) shall not apply in relation to any agreement entered into under section 75 of the Act before that date.

St Andrew's House,
Edinburgh
2nd December 2010

STEWART STEVENSON
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes transitional and savings provisions in connection with the commencement of sections 23 and 28 of the Planning etc. (Scotland) Act 2006 (“the 2006 Act”).

Article 2 saves the current provisions of sections 161 and 163 of the Town and Country Planning (Scotland) Act 1997 (“the Act”) for the purposes of a tree preservation order made before 1st February 2011. Section 161 is amended by section 28(3) of the 2006 Act and section 163 is repealed by section 56 of and the schedule to the 2006 Act.

Article 3 provides that sections 75(5) and (6) and 75C of the Act inserted by section 23 of the 2006 Act do not apply in relation to an agreement entered into under section 75 of the Act before 1st February 2011. Section 23(2) of the 2006 Act preserves the application of sections 75(3) and (4) of the Act as they had effect immediately before 1st February 2011 in respect of such agreements.

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