

**2011 No. 336**

**TOWN AND COUNTRY PLANNING**

**The Planning etc. (Scotland) Act 2006 (Development Planning)  
(Saving, Transitional and Consequential Provisions)  
Amendment Order 2011**

<i>Made</i>	- - - -	<i>14th September 2011</i>
<i>Laid before the Scottish Parliament</i>		<i>16th September 2011</i>
<i>Coming into force</i>	- -	<i>17th September 2011</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by section 58(1) and (2) 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 (Development Planning) (Saving, Transitional and Consequential Provisions) Amendment Order 2011 and comes into force on 17th September 2011.

(2) In this Order—

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

“local plan” has the same meaning as in the Act as it had effect immediately before 28th February 2009 and references to a local plan include references to a proposal to alter, repeal or replace a local plan within the meaning of the Act as it had effect immediately before that date.

**Amendment of Planning etc. (Scotland) Act 2006 (Development Planning) (Saving, Transitional and Consequential Provisions) Order 2008**

2.—(1) The Planning etc. (Scotland) Act 2006 (Development Planning) (Saving, Transitional and Consequential Provisions) Order 2008(c) is, insofar as it applies to a local plan adopted or approved on or after the date on which this Order comes into force, amended in accordance with paragraph (2).

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(a) 2006 asp 17.

(b) 1997 c.8. Section 2 of the Planning etc. (Scotland) Act 2006 substituted a new Part 2 to the Town and Country Planning (Scotland) Act 1997 with effect from 28th February 2009.

(c) S.S.I. 2008/427 as amended by S.S.I. 2009/18 and 344.

(2) In article 5(2)—

- (a) in sub-paragraph (a) for “, 20 to 22, 237 and 238” substitute “and 20 to 22”; and
- (b) in sub-paragraph (b) after “23A” insert “, 237 and 238”.

St Andrew’s House,  
Edinburgh  
14th September 2011

*AILEEN CAMPBELL*  
Authorised to sign by the Scottish Ministers

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends the Planning etc. (Scotland) Act 2006 (Development Planning) (Saving, Transitional and Consequential Provisions) Order 2008 (“the 2008 Order”). Article 2 amends article 5 of the 2008 Order as it applies to a local plan adopted or approved on or after 17th September 2011. It operates to apply in respect of such a local plan the provisions of sections 237 and 238 of the Town and Country Planning (Scotland) Act 1997 (as those provision have effect following amendments made by the Planning etc. (Scotland) Act 2006) in respect of how a challenge to the local plan may be made to the Court of Session. It does not affect the provisions of the 2008 Order as they apply to a local plan adopted or approved before 17th September 2011.

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