EXPLANATORY NOTE

(This Note is not part of these Regulations, but is intended to indicate their general purport.)

Section 72 of the Town and Country Planning (Scotland) Act, 1947, provides for the application of the enforcement provisions contained in Part II of that Act to breaches, occurring before the appointed day, of previous planning control under the Town and Country Planning (Scotland) Acts of 1932 and 1943, which are repealed. These Regulations adapt the provisions of that section so as to make it applicable to breaches, occurring before the appointed day, of the control exercised by highway authorities under sections 1 and 2 of the Restriction of Ribbon Development Act, 1935, which are also repealed. The power of enforcement is given by the Regulations to local planning authorities, as if the restrictions imposed by that Act were part of previous planning control (Regulation 3).

The Building Restrictions (War-Time Contraventions) Act, 1946, confers on authorities responsible for enforcing building laws or planning control power to sanction war-time non-compliance with such laws or control, and certain other powers. Regulation 4 of these Regulations makes necessary amendments in this Act in order to apply its provisions to the enforcement machinery created by Regulation 3, in substantially the same manner as it formerly applied to the enforcement of the repealed sections of the Restriction of Ribbon Development Act, 1935.

The Town and Country Planning (Enforcement of Restriction of Ribbon Development Acts) (Scotland) Additional Regulations, 1948

1948 No. 1137 (S. 90)

Made - - - -	*28th May,* 1948
Laid before Parliament	*31st May,* 1948
Coming into Operation	*1st July,* 1948*

In exercise of the powers conferred on me by subsection (6) of section 73 of the Town and Country Planning (Scotland) Act, 1947(a), and of all other powers enabling me in that behalf, I hereby make the following Regulations:—

1. These Regulations shall come into force on the appointed day*, and may be cited as the Town and Country Planning (Enforcement of Restriction of Ribbon Development Acts) (Scotland) Additional Regulations, 1948.

2.—(1) In these Regulations, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:—

"the Act" means the Town and Country Planning (Scotland) Act, 1947;

"the appointed day" means the day appointed for the coming into force of the Act;

(2) The Interpretation Act, 1889(b), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

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* *See* S.I. 1948 No. 265, p. 4236 above.

(a) 10 & 11 Geo. 6. c. 53. (b) 52 & 53 Vict. c. 63.

3. Where any works on land existing at the appointed day were carried out or any use to which land is put on that day was begun in accordance with permission granted subject to conditions under section 1 or section 2 of the Restriction of Ribbon Development Act, 1935(**a**), the provisions of subsection (1) of section 73 of the Act shall have effect with respect to those works or that use as though references therein to a planning scheme included references to the said section 1 or section 2, and the provisions of subsections (2) to (5) of the said section 73 shall have effect accordingly, subject to the provisions of the next two succeeding Regulations.

4. Subsection (5) of section 73 of the Act shall have effect as though the reference therein to planning control within the meaning of the Building Restrictions (War-time Contraventions) Act, 1946(**b**), included a reference to the provisions of section 1 or section 2 of the Restriction of Ribbon Development Act, 1935.

5. For the purposes of Regulation 3 of these Regulations, any works or use in respect of which a notice has been served under subsection (1) of section 1 of the Restriction of Ribbon Development (Temporary Development) Act, 1943(**c**), or is deemed by virtue of subsection (4) of that section to have been so served, shall be treated as carried out or begun in accordance with permission granted subject to a condition restricting the period for which the works or use may be continued on the land.

Dated this 28th day of May, Nineteen hundred and forty-eight.

Arthur Woodburn,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

EXPLANATORY NOTE

(This Note is not part of these Regulations, but is intended to indicate their general purport.)

Section 73 of the Town and Country Planning (Scotland) Act, 1947, provides that conditions imposed in planning permissions granted under the Town and Country Planning (Scotland) Acts of 1932 and 1943 shall be enforceable as if they had been imposed under the 1947 Act. These Regulations apply the provisions of the section to conditions imposed in permissions granted under section 1 or section 2 of the Restriction of Ribbon Development Act, 1935, which sections are repealed by the 1947 Act. Regulation 5 provides that temporary development which, by virtue of the Restriction of Ribbon Development (Temporary Development) Act, 1943, was exempted, during the war period as defined by that Act, from enforcement action under the 1935 Act, shall be treated as if it were the subject of a planning permission granted for a limited period.

These Regulations are additional to those concerning the enforcement of the Restriction of Ribbon Development Acts made under subsection (8) of section 72 of the Town and Country Planning (Scotland) Act, 1947, which require approval by resolution of each House of Parliament.

(**a**) 25 & 26 Geo. 5. c. 47. (**b**) 9 & 10 Geo. 6. c. 35.
(**c**) 6 & 7 Geo. 6. c. 34.