



Infrastructure (Wales) Act 2024

2024 asc 3

PART 7

ENFORCEMENT

Information notices

111 Power to require information

- (1) This section applies where—
 - (a) the relevant planning authority consider that an offence under section 103 or 104 may have been committed on or in respect of the land in its area;
 - (b) the Welsh Ministers consider that an offence under section 103 or 104 may have been committed on or in respect of land in Wales;
 - (c) the Welsh Ministers consider that an offence under section 103 or 104 may have been committed in or in respect of the Welsh marine area.
- (2) The relevant planning authority may serve an information notice on any person—
 - (a) who is the owner or occupier of the land or has any other interest in it, or
 - (b) carrying out operations on the land or is using it for any purpose.
- (3) The Welsh Ministers may serve an information notice on any person who—
 - (a) is the owner or occupier of the land or has any other interest in it,
 - (b) is carrying out operations on the land or is using it for any purpose, or
 - (c) is carrying out operations in the Welsh marine area.
- (4) The information notice must—
 - (a) specify the matters that the planning authority, or Welsh Ministers, consider may constitute an offence, and
 - (b) require the person on whom it is served (“the recipient”) to give the information specified in the notice, so far as the recipient is able to do so.
- (5) The information that may be specified in the notice is information about—

Status: This is the original version (as it was originally enacted).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

- (a) any operations being carried out,
 - (b) any use of land,
 - (c) any other activities being carried out, and
 - (d) any matter relating to the provisions of an infrastructure consent order.
- (6) An information notice must inform the person on whom it is served of the likely consequences of a failure to respond to the notice and, in particular, that enforcement action may be taken.
- (7) The recipient of an information notice must comply with the requirements of the notice by giving the required information in writing to the relevant planning authority, or if the notice was given by the Welsh Ministers, to the Welsh Ministers.

112 Offences of failing to comply with information notices

- (1) A person on whom an information notice has been served commits an offence if, at any time after the end of 21 days beginning with the day on which the notice is served, the person has not complied with a requirement of the notice.
- (2) In proceedings against a person for an offence under subsection (1), it is a defence for the person to prove that the person had a reasonable excuse for failing to comply with the requirement.
- (3) A person may be charged with an offence under this section by reference to a day or a longer period, and may be convicted of more than one offence in relation to the same information notice by reference to different periods.
- (4) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine.
- (5) A person commits an offence if, in purported compliance with a requirement of an information notice the person—
- (a) provides information which the person knows to be false or misleading in a material respect, or
 - (b) recklessly provides information which is false or misleading in a material respect.
- (6) A person guilty of an offence under subsection (5) is liable on summary conviction or on conviction on indictment to a fine.