



Infrastructure (Wales) Act 2024

2024 asc 3

PART 7

ENFORCEMENT

Offences

103 Development without infrastructure consent

- (1) A person commits an offence if the person carries out, or causes to be carried out, development for which infrastructure consent is required at a time when no infrastructure consent is in force in respect of the development.
- (2) A person guilty of an offence under this section is liable on summary conviction, or on conviction on indictment, to a fine.

104 Breach of terms of infrastructure consent order

- (1) A person commits an offence if, without reasonable excuse, the person—
 - (a) carries out, or causes to be carried out, development in breach of the terms of an infrastructure consent order, or
 - (b) otherwise fails to comply with the terms of an infrastructure consent order.
- (2) Subsection (1) is subject to section 83(3).
- (3) In proceedings against a person for an offence under this section it is a defence for the person to prove that—
 - (a) the breach or failure to comply occurred only because of an error in the order, and
 - (b) the error has been corrected under section 87.
- (4) A person guilty of an offence under this section is liable on summary conviction, or on conviction on indictment, to a fine.

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105 Time limits

- (1) A person may not be charged with an offence under section 103 or 104 after the end of—
 - (a) the relevant 4-year period, or
 - (b) if subsection (3) applies, the extended period.
- (2) The “relevant 4-year period” means—
 - (a) in the case of an offence under section 103, the period of 4 years beginning with the day on which the development was substantially completed;
 - (b) in the case of an offence under section 104, the period of 4 years beginning with the later of—
 - (i) the day on which the development was substantially completed, and
 - (ii) the day on which the breach or failure to comply occurred.
- (3) This subsection applies if during the relevant 4-year period—
 - (a) an information notice has been given under section 111, or
 - (b) an injunction has been applied for under section 122.
- (4) The “extended period” means the period of 4 years beginning with—
 - (a) the date on which the information notice was given, if subsection (3)(a) applies;
 - (b) the date of the application for the injunction, if subsection (3)(b) applies;
 - (c) the later (or latest) of those dates, if both paragraphs (a) and (b) of subsection (3) apply.

106 Powers to enter land for enforcement purposes

- (1) A person authorised in writing by a planning authority may enter land in the authority’s area to assess whether an offence under section 103 or 104 is being, or has been, committed on or in respect of the land.
- (2) A person authorised in writing by the Welsh Ministers may enter land in Wales to assess whether an offence under section 103 or 104 is being, or has been, committed on or in respect of the land.
- (3) A power to enter land under this section may be exercised—
 - (a) at any reasonable time, and
 - (b) only if there are reasonable grounds for entering the land for the purpose in question.
- (4) A person authorised to enter land under this section may not demand entry as of right to a building used as a dwelling unless 24 hours’ notice of the intended entry has been given to every occupier of the building.
- (5) A person authorised to enter land under this section—
 - (a) must, if required to do so by or on behalf of any owner or occupier of the land, produce evidence of the person’s authorisation and state the purpose of the entry before entering the land,
 - (b) may take on to the land any other persons that are necessary, and
 - (c) must, if leaving the land at a time when no owner or occupier is present, leave it as effectively secured against trespassers as the person found it.

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107 Warrant to enter land

- (1) This section applies if a justice of the peace is satisfied on sworn information in writing—
 - (a) that there are reasonable grounds for entering land to assess whether an offence under section 103 or 104 is being, or has been, committed on or in respect of the land, and
 - (b) that—
 - (i) admission to the land has been refused or a refusal is reasonably expected, or
 - (ii) the case is one of urgency.
- (2) The justice of the peace may issue a warrant conferring a power to enter the land on any person authorised in writing by a person who may authorise entry under section 106 for the purpose in question.
- (3) For the purposes of subsection (1)(b), admission to land is to be treated as having been refused if no reply is received to a request for admission within a reasonable period.
- (4) A warrant under this section confers a power to enter land—
 - (a) on one occasion only, and
 - (b) only at a reasonable time, unless the case is one of urgency.
- (5) A person authorised to enter land under this section—
 - (a) must, if required to do so by or on behalf of any owner or occupier of the land, produce evidence of the person's authorisation and state the purpose of the entry before entering the land,
 - (b) may take on to the land any other persons that are necessary, and
 - (c) must, if leaving the land at a time when no owner or occupier is present, leave it as effectively secured against trespassers as the person found it.
- (6) A warrant under this section ceases to have effect at the end of 1 month beginning with the day it is issued.

108 Rights of entry: supplementary provisions

- (1) This section applies where a person has a power to enter land conferred by section 106 or by a warrant under section 107.
- (2) A person who intentionally obstructs a person exercising the power of entry commits an offence.
- (3) A person guilty of an offence under subsection (2) is liable on summary conviction to a fine.
- (4) If damage is caused to land or other property in the exercise of the power of entry, a person suffering the damage may recover compensation from the planning authority that authorised the entry or (as the case may be) from the Welsh Ministers if they authorised the entry.
- (5) A claim for compensation under subsection (4) must be made in writing within 12 months beginning with the day the damage was caused (or if the damage was caused over more than one day, the last day it was caused).

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- (6) Any question of disputed compensation under subsection (4) is to be referred to and determined by the Upper Tribunal.
- (7) Section 4 of the Land Compensation Act 1961 (c. 33) (costs) applies to the determination of a question referred under subsection (6) as it applies to the determination of a question under section 1 of that Act, but as if references to the acquiring authority were references to the person from whom compensation is claimed.

109 Rights of entry: Crown land

Sections 106 and 107 do not apply to Crown land.

110 Marine enforcement powers

After section 243 of the Marine and Coastal Access Act 2009 (c. 23) insert—

“243A Infrastructure planning: enforcement in the Welsh inshore region

- (1) The Welsh Ministers may appoint persons for the purposes of enforcing the Infrastructure (Wales) Act 2024.
- (2) For the purposes referred to in subsection (1), a person appointed under this section has—
 - (a) the common enforcement powers conferred by this Act;
 - (b) the power conferred by section 263.
- (3) The powers that a person appointed under this section has for the purposes referred to in subsection (1) may be exercised—
 - (a) in the Welsh inshore region (and in relation to any vessel, aircraft or marine structure in that region);
 - (b) in Wales.
- (4) But the powers which a person appointed under this section has for the purposes referred to in subsection (1) may not be exercised in relation to any British warship.”