



## 2011 CHAPTER 25

### **Part 4**

#### Additional planning control

##### Chapter 1

##### Listed buildings and conservation areas

##### *Power to decline to determine application for listed building consent*

#### **Acts causing or likely to result in damage to listed buildings**

**103.**—(1) Where a building, not being a building excluded by subsection (8) of section 85 from the operation of that section, is included in a list compiled under section 80, then, if any person who, but for this section, would be entitled to do so—

- (a) does or permits the doing of any act which causes or is likely to result in damage to the building (other than an act for the execution of excepted works); and
- (b) does or permits the act with the intention of causing such damage,

that person shall be guilty of an offence and liable—

- (i) on summary conviction to a fine not exceeding the statutory maximum; or
- (ii) on conviction on indictment, to a fine.

(2) In subsection (1) “excepted works” means—

- (a) works authorised by planning permission granted in pursuance of an application under this Act; or
- (b) works for which listed building consent has been given under this Act.

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*Changes to legislation:* There are currently no known outstanding effects for the Planning Act (Northern Ireland) 2011, Section 103. (See end of Document for details)

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(3) Where a person convicted under this section fails to take such reasonable steps as may be necessary to prevent any damage or further damage resulting from the offence, that person shall be guilty of a further offence and liable on summary conviction to a fine not exceeding one-tenth of level 5 on the standard scale for each day on which the failure continues.

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**Modifications etc. (not altering text)**

- C1** Pt. 4 chapter 1 (except ss. 92-93 102) applied with modification(s) (1.4.2015) by [The Planning \(Conservation Areas\) \(Demolition\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/107\)](#), regs. 1, **11**
- C2** Pt. 4 (except chpts. 1, 2) applied with modification(s) (1.4.2015) by [The Planning General Regulations \(Northern Ireland\) 2015 \(S.R. 2015/39\)](#), regs. 1(1), **2** (with regs. 3-10)
- C3** Ss. 86-103: transfer of functions (8.5.2016) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 5 Pt. 2** (with art. 9(2))
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**Commencement Information**

- I1** S. 103 in operation at 13.2.2015 for specified purposes by [S.R. 2015/49](#), art. 2, **Sch. 1**
- I2** S. 103 in operation at 1.4.2015 in so far as not already in operation by [S.R. 2015/49](#), art. 3, **Sch. 1** (with **Sch. 2**) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**Changes to legislation:**

There are currently no known outstanding effects for the Planning Act (Northern Ireland) 2011, Section 103.