



Town and Country Planning (Scotland) Act 1977

1977 CHAPTER 10

4 Stop Notices.

For section 87 of the 1972 Act there shall be substituted a new section as follows—

“87 Stop Notices.

- (1) Subject to the provisions of subsection (2) of this section, where a planning authority have served an enforcement notice, they may at any time before it takes effect serve a further notice (to be referred to as a "stop notice") referring to the enforcement notice, a copy of which shall be enclosed therewith, for the purpose of prohibiting the carrying out or continuing of any activity or part of any activity which either is alleged in the enforcement notice to constitute or involve a breach of planning control or is so closely associated therewith as to constitute substantially the same activity.
- (2) A stop notice—
 - (a) shall not prevent any person from taking any steps necessary to comply or secure compliance with an enforcement notice ;
 - (b) shall not prohibit any person from continuing to use any building or other land, or any caravan situated upon the land to which the relevant enforcement notice relates, as his permanent residence, whether as owner, occupier, tenant, patient, guest or otherwise.
- (3) A stop notice shall specify the date when it is to come into effect, such date not being less than three nor more than 28 days from the date when it is first served (on whatever person) in accordance with the provisions of subsection (6) below.
- (4) A stop notice shall cease to have effect—
 - (a) when it is withdrawn under the provisions of subsection (10) below;
 - (b) when the enforcement notice to which it relates is withdrawn or quashed ; or

Status: This is the original version (as it was originally enacted).

- (c) when the period for compliance with that enforcement notice specified under section 84(7)(c) of this Act has expired ;
whichever is the earlier.
- (5) Where the enforcement notice to which a stop notice relates is varied so that it no longer relates to any activity prohibited by the stop notice, the stop notice shall cease to have effect in relation to that activity.
- (6) A stop notice may be served by the planning authority on any person who appears to them to have an interest in the land or to be engaged in activities which constitute or involve the breach of planning control alleged in the enforcement notice.
- (7) The planning authority may publicise a stop notice by displaying on the land a notice (to be referred to as a " site notice ") which shall state—
- (a) the requirements of the stop notice ;
 - (b) that the stop notice has been served on a particular person or persons; and
 - (c) the consequences under subsection (8) below of contravention of the stop notice.
- (8) (a) Any person who wilfully removes, obscures or defaces a site notice shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400, or on conviction on indictment to a fine.
- (b) If any person causes or permits any activity in contravention of a stop notice which has effect for the time being and which has been served on him or has been publicised in accordance with the provisions of subsection (7) above, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400, or on conviction on indictment to a fine ; and if the offence is continued after conviction he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding £50 for each day on which the offence is continued, or on conviction on indictment to a fine.
- (c) It shall be a defence in any proceedings under paragraph (b) above that the stop notice was not served on the accused and that he had no reasonable cause to believe that the activity was prohibited by a stop notice.
- (9) A stop notice shall not be invalid by reason that the enforcement notice to which it relates was not served as required by section 84(5) of this Act if it is shown that the planning authority took all such steps as were reasonably practicable to effect proper service.
- (10) The planning authority may at any time withdraw a stop notice (without prejudice to their power to serve another) by notice which—
- (a) shall be served on all persons who were served with the stop notice ; and
 - (b) shall be publicised by displaying it for seven days in place of all or any relative site notices.”.