



Town and Country Planning Act 1990

1990 CHAPTER 8

PART VII **E+W**

ENFORCEMENT

Enforcement notices

179 Penalties for non-compliance with enforcement notice. **E+W**

- (1) Where—
 - (a) a copy of an enforcement notice has been served on the person who at the time when the copy was served was the owner of the land to which the notice relates, and
 - (b) any steps required by the notice to be taken (other than the discontinuance of a use of land) have not been taken within the compliance period,then, subject to the provisions of this section, that person shall be guilty of an offence.
- (2) A person who is guilty of an offence under subsection (1) shall be liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum, or
 - (b) on conviction on indictment, to a fine.
- (3) Where proceedings have been brought under subsection (1) against a person (“the original owner”) who has, at some time before the end of the compliance period, ceased to be the owner of the land, if he—
 - (a) duly lays information to that effect, and
 - (b) gives the prosecution not less than three clear days’ notice of his intention,he shall be entitled to have the person who then became the owner of the land (“the subsequent owner”) brought before the court in the proceedings.
- (4) Where in such proceedings—
 - (a) it has been proved that any steps required by the enforcement notice have not been taken within the compliance period, and

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: *Town and Country Planning Act 1990, Section 179 is up to date with all changes known to be in force on or before 24 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (b) the original owner proves that the failure to take those steps was attributable, in whole or in part, to the default of the subsequent owner
- then—
- (i) the subsequent owner may be convicted of the offence; and
 - (ii) if the original owner also proves that he took all reasonable steps to secure compliance with the enforcement notice, he shall be acquitted of the offence.
- (5) If, after a person has been convicted under the previous provisions of this section, he does not as soon as practicable do everything in his power to secure compliance with the enforcement notice, he shall be guilty of a further offence and liable—
- (a) on summary conviction to a fine not exceeding £200 for each day following his first conviction on which any of the requirements of the notice (other than the discontinuance of the use of land) remain unfulfilled; or
 - (b) on conviction on indictment, to a fine.
- (6) Where, by virtue of an enforcement notice—
- (a) a use of land is required to be discontinued, or
 - (b) any conditions or limitations are required to be complied with in respect of a use of land or in respect of the carrying out of operations on it,
- then, if any person uses the land or causes or permits it to be used, or carries out those operations or causes or permits them to be carried out, in contravention of the notice, he shall be guilty of an offence.
- (7) A person who is guilty of an offence under subsection (6) shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum, or
 - (b) on conviction on indictment, to a fine.
- (8) Where a person is convicted under subsection (6) in respect of any use of land and the use is continued after the conviction he shall be guilty of a further offence and liable—
- (a) on summary conviction, to a fine not exceeding £200 for each day on which the use is so continued, or
 - (b) on conviction on indictment, to a fine.

Modifications etc. (not altering text)

C1 Ss. 178(1)–(5), (7), 179–181, 183, 184, 187, 188: power to modify conferred (*prosp.*) by [Planning \(Hazardous Substances\) Act 1990 \(c. 10, SIF 123:1\)](#), [ss. 25\(1\)\(c\)](#), 41

Status:

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