



Town and Country Planning Act 1990

1990 CHAPTER 8

PART VII

ENFORCEMENT

Enforcement notices

[^{F1}179 Offence where enforcement notice not complied with.

- (1) Where, at any time after the end of the period for compliance with an enforcement notice, any step required by the notice to be taken has not been taken or any activity required by the notice to cease is being carried on, the person who is then the owner of the land is in breach of the notice.
- (2) Where the owner of the land is in breach of an enforcement notice he shall be guilty of an offence.
- (3) In proceedings against any person for an offence under subsection (2), it shall be a defence for him to show that he did everything he could be expected to do to secure compliance with the notice.
- (4) A person who has control of or an interest in the land to which an enforcement notice relates (other than the owner) must not carry on any activity which is required by the notice to cease or cause or permit such an activity to be carried on.
- (5) A person who, at any time after the end of the period for compliance with the notice, contravenes subsection (4) shall be guilty of an offence.
- (6) An offence under subsection (2) or (5) may be charged by reference to any day or longer period of time and a person may be convicted of a second or subsequent offence under the subsection in question by reference to any period of time following the preceding conviction for such an offence.
- (7) Where—

Status: Point in time view as at 01/06/2015. This version of this provision has been superseded.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 20 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)

- (a) a person charged with an offence under this section has not been served with a copy of the enforcement notice; and
- (b) the notice is not contained in the appropriate register kept under section 188,
- it shall be a defence for him to show that he was not aware of the existence of the notice.
- (8) A person guilty of an offence under this section shall be liable [^{F2}on summary conviction, or on conviction on indictment, to a fine].
- (9) In determining the amount of any fine to be imposed on a person convicted of an offence under this section, the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue to him in consequence of the offence.]

Textual Amendments

- F1** S. 179 substituted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), **s.8** (with s. 84(5)); [S.I. 1991/2905](#), **art.3** (subject to art. 5)
- F2** Words in s. 179(8) substituted (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), **Sch. 4 para. 18(3)** (with reg. 5(1))

Modifications etc. (not altering text)

- C1** S. 179: power to modify conferred (11.3.1992 so far as to confer on the Secretary of State a power or impose on him a duty to make regulations, or make provision with respect to the exercise of any such power or duty, 1.6.1992 so far not already in force) by [Planning \(Hazardous Substances\) Act 1990 \(c. 10, SIF 123:1\)](#), **s. 25(1)(c)**; [S.I. 1992/725](#), **arts. 2, 3**
- S. 179 applied (with modifications) (1.6.1992) by [S.I. 1992/656](#), reg. 20(1), **Sch. 4 Pt. 2**
- S. 179 applied (with modifications) (27.7.1992) by [S.I. 1992/1562](#), reg. 2, **Sch.**
- S. 179: power to apply conferred (10.11.1993) by [1993 c. 28](#), **s. 171(4)(a)**; [S.I. 1993/2762](#), **art. 3**
- S. 179 restricted (E.) (13.4.2001) by [S.I. 2001/1478](#), **reg. 3(a)**
- C2** Ss. 178-181 applied (with modifications) (E.) (1.6.2015) by [The Planning \(Hazardous Substances\) Regulations 2015 \(S.I. 2015/627\)](#), regs. 1(1), 15, **Sch. 4 Pt. 2** (with reg. 34)
- C3** S. 179 amendment to earlier affecting provision [S.I. 1992/656](#), Sch. 4 Pt. 2 (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), **Sch. 4 para. 50** (with reg. 5(1))

Status:

Point in time view as at 01/06/2015. This version of this provision has been superseded.

Changes to legislation:

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