



# Town and Country Planning Act 1990

## 1990 CHAPTER 8

### PART VIII

#### SPECIAL CONTROLS

#### CHAPTER II

##### LAND ADVERSELY AFFECTING AMENITY OF NEIGHBOURHOOD

#### **216 Penalty for non-compliance with s. 215 notice.**

- (1) The provisions of this section shall have effect where a notice has been served under section 215.
- (2) If any owner or occupier of the land on whom the notice was served fails to take steps required by the notice within the period specified in it for compliance with it, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) Where proceedings have been brought under subsection (2) against a person as the owner of the land and he 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 brought before the court in the proceedings.
- (4) Where proceedings have been brought under subsection (2) against a person as the occupier of the land and he has, at some time before the end of the compliance period, ceased to be the occupier 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,

*Status: Point in time view as at 21/12/2001. This version of this provision has been superseded.*

*Changes to legislation: Town and Country Planning Act 1990, Section 216 is up to date with all changes known to be in force on or before 13 September 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)*

he shall be entitled to have brought before the court in the proceedings the person who then became the occupier of the land or, if nobody then became the occupier, the person who is the owner at the date of the notice.

- (5) Where in such proceedings—
- (a) it has been proved that any steps required by the notice under section 215 have not been taken within the compliance period, and
  - (b) the original defendant proves that the failure to take those steps was attributable, in whole or in part, to the default of a person specified in a notice under subsection (3) or (4),
- then—
- (i) that person may be convicted of the offence; and
  - (ii) if the original defendant also proves that he took all reasonable steps to ensure compliance with the notice, he shall be acquitted of the offence.
- (6) 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 notice, he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding [<sup>F1</sup>one-tenth of level 3 on the standard scale] for each day following his first conviction on which any of the requirements of the notice remain unfulfilled.
- (7) Any reference in this section to the compliance period, in relation to a notice, is a reference to the period specified in the notice for compliance with it or such extended period as the local planning authority who served the notice may allow for compliance.

#### **Textual Amendments**

**F1** Words in s. 216(6) substituted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, [Sch. 7 para.35](#) (with s. 84(5)); S.I. 1991/2905, [art.3](#) (subject to [art. 5](#))

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

**C1** [S. 216](#): power to apply conferred (10.11.1993) by [1993 c. 28, s. 171\(4\)\(a\)](#); S.I. 1993/2762, [art. 3](#)  
[S. 216](#) restricted (E.) (13.4.2001) by [S.I. 2001/1478, reg. 3\(a\)](#)

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