
STATUTORY INSTRUMENTS

1984 No. 467

The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984

PROSPECTIVE

PART VII

PROVISIONS AS TO ENFORCEMENT

Enforcement of advertisement control

24.—(1) If it appears to a planning authority that any advertisement has been displayed without a consent required by these regulations or that any condition or limitation subject to which such consent was granted or was deemed to be granted has not been complied with, then the planning authority may serve a notice under this regulation.

(2) An enforcement notice shall be served on the owner, lessee and occupier of the land to which it relates and on any other person known to the planning authority to be displaying the advertisement without such consent, or in contravention of any condition or limitation subject to which consent was granted or deemed to be granted.

(3) An enforcement notice shall specify the advertisement which is alleged to have been displayed without consent or the matters in respect of which it is alleged that any condition or limitation has not been complied with, and may specify steps that shall be taken within a given period to restore the land to its condition before the display was begun or to secure compliance with the condition or limitation; but may in addition specify, as an alternative, steps required to be taken to bring the display to a condition acceptable to the planning authority having regard to the provisions of these regulations; and in particular any such notice may for this purpose require the demolition or alteration of any buildings or works, the discontinuance of any use of land, or the carrying out on land of any building or other operations.

(4) Subject to regulation 25 an enforcement notice shall take effect on the date specified in the notice, which date shall be—

- (a) in any case where the planning authority consider it urgently necessary in the interests of public safety that the advertisement to which the notice relates should be altered or removed, or where they are satisfied that any steps required by the notice to be taken can be taken without the removal or substantial modification of any structure or the carrying out of any building or similar operations on land, 7 days; and

- (b) in any other case, 28 days,

from the date of the latest service of the notice.

(5) Compliance with an enforcement notice shall not discharge the enforcement notice.

(6) Without prejudice to paragraph (5) above, any provision of an enforcement notice requiring the use of land to be discontinued shall operate as a requirement that it shall be discontinued

Status: This version of this part contains provisions that are prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

permanently to the extent that it is in contravention of these regulations; and accordingly the resumption of that use at any time after it has been discontinued in compliance with the enforcement notice shall to that extent be in contravention of the enforcement notice.

(7) If any development is carried out on land by way of re-instating or restoring buildings or works which have been demolished or altered in compliance with an enforcement notice, the notice shall, notwithstanding that its terms are not apt for the purpose, be deemed to apply in relation to the buildings or works as re-instated or restored as it applied in relation to the buildings or works before they were demolished or altered.

Commencement Information

II Reg. 24 in force at 2.5.1984, see [reg. 1](#)

Appeals to the Secretary of State

25.—(1) Any person on whom an enforcement notice is served may, at any time before the date specified in the notice as the date on which the notice will take effect, appeal against the notice to the Secretary of State on the following grounds:—

- (a) that the matters alleged in the notice do not constitute a display of an advertisement without a consent required by these regulations or a failure to comply with any condition or limitation subject to which any such consent was granted or deemed to be granted;
- (b) that the enforcement notice was not served as required by regulation 24;
- (c) that the specified period for compliance with the notice falls short of what should reasonably be allowed;
- (d) that the steps required by the notice to be taken exceed what is necessary for the purpose identified under regulation 24(3).

(2) An appeal under this regulation shall be made by notice in writing to the Secretary of State which shall indicate the grounds of the appeal and state the facts on which it is based.

(3) Where an appeal is brought under this regulation an enforcement notice shall be of no effect pending the final determination or the withdrawal of the appeal.

(4) On an appeal under this regulation the Secretary of State may—

- (a) correct any informality, defect or error in the enforcement notice if he is satisfied that the informality, defect or error is not material;
- (b) in a case where it would otherwise be a ground for determining the appeal in favour of the appellant that a person required by regulation 24 to be served with the notice was not served, disregard that fact if neither the appellant nor that person has been substantially prejudiced by the failure so to serve him.

(5) The Secretary of State shall, if either the planning authority or the appellant so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by him for the purpose.

(6) On the determination of an appeal under this regulation the Secretary of State shall give directions for giving effect to his determination, including, where appropriate, directions for quashing the enforcement notice or for varying the terms of the notice in favour of the appellant.

(7) Schedule 7 to the Act⁽¹⁾ (determination of appeals by appointed person) shall apply to appeals under this regulation as it applies to appeals under section 33 of the Act.

(1) 1972 c. 52.

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Commencement Information

I2 Reg. 25 in force at 2.5.1984, see [reg. 1](#)

Execution and cost of operations required by enforcement notice

26.—(1) If within the period specified in an enforcement notice, or within such extended period as the planning authority may allow, any steps required by the notice to be taken (other than the discontinuance of any use of land) have not been taken, the planning authority may enter on the land and take those steps and, subject to the proviso to this regulation, may recover as a civil debt from the person who is then the owner or the lessee of the land any expenses reasonably incurred by them in taking those steps; and if that person, having been entitled to appeal to the Secretary of State under regulation 25, failed to make such an appeal, he shall not be entitled in proceeding under this paragraph to dispute the validity of the action taken by the planning authority in accordance with the notice:

Provided that where the person who is then the owner or the lessee of the land would have been entitled, under section 165 of the Act, to compensation in respect of any expenses reasonably incurred by him in removing the advertisement, the planning authority shall not be entitled to recover their expenses from that person.

(2) Any expenses incurred by the owner, the lessee or the occupier of any land for the purpose of complying with an enforcement notice, and any sums paid by the owner or by the lessee of any land in respect of the expenses of the planning authority in taking steps required to be taken by such a notice, shall be recoverable as a civil debt from the person by whom the display was carried out.

(3) Where a planning authority seek to recover any expenses under this regulation from a person on the basis that he is the owner of any land, and such a person proves—

- (a) that he has no interest in the land except in the capacity of a trustee, tutor, curator, factor or agent of some other person; and
- (b) that he has not, and since the date of the service on him of the demand for payment has not had, in his hands on behalf of that other person sufficient money to discharge the whole demand of the authority,

his liability shall be limited to the total amount of the money which he has or has had in his hands as aforesaid; but a planning authority who by reason of the foregoing provisions of this regulation have not recovered the whole of any such expenses from a trustee, tutor, curator, factor or agent may recover any unpaid balance from the person on whose behalf the rent is received.

Commencement Information

I3 Reg. 26 in force at 2.5.1984, see [reg. 1](#)

Status:

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Changes and effects yet to be applied to :

- Regulations applied by [2020 asp 2 sch. 3 para. 29](#)
- Regulations applied by [1997 c. 61 Sch. 3 para. 3\(1\)](#)
- Regulations applied by [2011 c. 1 Sch. 1 para. 18\(2\)](#)
- Regulations applied by [S.I. 2002/2779 art. 86](#)
- Regulations applied by [S.I. 2010/2999 art. 89](#)
- Regulations applied by [S.I. 2016/219 Sch. 3 para. 110](#)
- Regulations applied in part (with modifications) by [S.S.I. 2006/270 art. 6](#)
- Regulations extended by [S.I. 1999/787 art. 90](#)
- Regulations modified by [2013 asp 14 Sch. 4 para. 28](#)
- Regulations modified by [S.S.I. 2015/425 art. 85](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 4 Class 3 words added by [S.S.I. 2003/503 Sch. Pt. 2 para. 17\(3\)\(a\)](#)
- Sch. 4 Class 3 words added by [S.S.I. 2003/503 Sch. Pt. 2 para. 17\(3\)\(b\)](#)
- Sch. 4 Class 3 words added by [S.S.I. 2003/503 Sch. Pt. 2 para. 17\(3\)\(c\)](#)
- Sch. 4 words inserted by [S.S.I. 2014/249 reg. 2\(2\)\(a\)](#)
- Sch. 4 words inserted by [S.S.I. 2014/249 reg. 2\(2\)\(b\)](#)
- Sch. 4 words inserted by [S.S.I. 2014/249 reg. 2\(2\)\(c\)](#)
- Sch. 4 words inserted by [S.S.I. 2014/249 reg. 2\(2\)\(d\)](#)
- reg. 2 amended by
- reg. 2 amended by
- reg.2(1) (defn of advertisement) substituted by [S.I. 1992/1763 reg.2](#)
- reg. 2(1) words inserted by [S.S.I. 2004/332 Sch. 3 para. 1](#)
- reg. 2(1) words substituted by [S.I. 1996/252 Sch.](#)
- reg. 2A inserted by [S.S.I. 2004/332 Sch. 3 para. 2](#)
- reg 6 am by [S.S.I. 2006/95 art 2](#)
- reg. 6 words added by [S.S.I. 2003/503 Sch. Pt. 2 para. 17\(2\)](#)
- reg 12 am by [S.S.I. 2006/95 art 2](#)
- reg. 12(1)(c) words substituted by [S.I. 2013/602 Sch. 2 para. 67\(1\)](#)
- reg. 14(5) words omitted by [S.S.I. 2013/154 reg. 2\(2\)](#)
- reg. 20(2A) inserted by [S.S.I. 2004/332 Sch. 3 para. 3](#)
- reg. 20(3) omitted by [S.S.I. 2013/154 reg. 2\(3\)](#)
- reg. 21(1)(1A) substituted for reg. 21(1) by [S.S.I. 2013/154 reg. 2\(4\)\(a\)](#)
- reg. 21(2) words inserted by [S.S.I. 2013/154 reg. 2\(4\)\(b\)](#)
- reg. 21(3)-(7) omitted by [S.S.I. 2013/154 reg. 2\(4\)\(c\)](#)
- reg. 21(9) omitted by [S.S.I. 2013/154 reg. 2\(4\)\(c\)](#)
- reg. 24(4) words inserted by [S.S.I. 2013/154 reg. 2\(5\)](#)
- reg. 25 substituted by [S.S.I. 2013/154 reg. 2\(6\)](#)
- reg. 26A inserted by [S.S.I. 2014/139 reg. 2\(2\)](#)

– [reg. 32A inserted by S.S.I. 2004/332 Sch. 3 para. 4](#)