

Status: This version of this provision is 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

STATUTORY INSTRUMENTS

1984 No. 467

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

PROSPECTIVE

PART VII

PROVISIONS AS TO ENFORCEMENT

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.

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Commencement Information

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

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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](#)
- reg. 26 coming into force by [S.I. 1984/467 reg. 1](#)

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](#)