



# Town and Country Planning Act 1990

## 1990 CHAPTER 8

### PART VII

#### ENFORCEMENT

##### *Enforcement notices*

###### **[<sup>F1</sup>172A Assurance as regards prosecution for person served with notice**

- (1) When, or at any time after, an enforcement notice is served on a person, the local planning authority may give the person a letter—
  - (a) explaining that, once the enforcement notice had been issued, the authority was required to serve the notice on the person,
  - (b) giving the person one of the following assurances—
    - (i) that, in the circumstances as they appear to the authority, the person is not at risk of being prosecuted under section 179 in connection with the enforcement notice, or
    - (ii) that, in the circumstances as they appear to the authority, the person is not at risk of being prosecuted under section 179 in connection with the matters relating to the enforcement notice that are specified in the letter,
  - (c) explaining, where the person is given the assurance under paragraph (b) (ii), the respects in which the person is at risk of being prosecuted under section 179 in connection with the enforcement notice, and
  - (d) stating that, if the authority subsequently wishes to withdraw the assurance in full or part, the authority will first give the person a letter specifying a future time for the withdrawal that will allow the person a reasonable opportunity to take any steps necessary to avoid any risk of prosecution that is to cease to be covered by the assurance.
- (2) At any time after a person has under subsection (1) been given a letter containing an assurance, the local planning authority may give the person a letter withdrawing the

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**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Town and Country Planning Act 1990. 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](#)

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assurance (so far as not previously withdrawn) in full or part from a time specified in the letter.

- (3) The time specified in a letter given under subsection (2) to a person must be such as will give the person a reasonable opportunity to take any steps necessary to avoid any risk of prosecution that is to cease to be covered by the assurance.
- (4) Withdrawal under subsection (2) of an assurance given under subsection (1) does not withdraw the assurance so far as relating to prosecution on account of there being a time before the withdrawal when steps had not been taken or an activity had not ceased.
- (5) An assurance given under subsection (1) (so far as not withdrawn under subsection (2)) is binding on any person with power to prosecute an offence under section 179.]

**Textual Amendments**

F1 S. 172A inserted (6.4.2012) by [Localism Act 2011 \(c. 20\), ss. 125, 240\(2\)](#) (with s. 144); [S.I. 2012/628, art. 8\(b\)](#) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by [S.I. 2012/2029](#), arts. 2, 4)

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

- Act applied by [2023 asc 3 s. 79\(2\)](#)
- Act applied by [2023 asc 3 s. 83\(4\)](#)
- Act excluded by [2023 asc 3 s. 140\(4\)\(b\)](#)

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

- s. 7(3) inserted by [2023 c. 55 Sch. 17 para. 2\(2\)](#)
- s. 7A(6) inserted by [2023 c. 55 Sch. 17 para. 2\(4\)](#)
- s. 7ZA inserted by [2023 c. 55 Sch. 17 para. 2\(3\)](#)
- s. 58B and cross-heading inserted by [2023 c. 55 s. 102\(1\)](#)
- s. 59A(3)(ba) inserted by [2023 c. 55 Sch. 8 para. 4\(b\)](#)
- s. 62(2A)(za) inserted by [2023 c. 55 s. 124\(2\)](#)
- s. 62B(5)(ca) inserted by [2023 c. 55 Sch. 17 para. 2\(5\)](#)
- s. 69(1)(g) inserted by [2023 c. 55 s. 111\(4\)\(a\)](#)
- s. 69(2)(d) inserted by [2023 c. 55 s. 111\(4\)\(b\)](#)
- s. 70(2)(azb) inserted by [2023 c. 55 Sch. 6 para. 3\(a\)](#)
- s. 70(3)(ca) inserted in earlier affecting provision 2016 c. 22, s. 5(8) by [2023 asc 3 Sch. 13 para. 194](#)
- s. 70(3A) inserted by [2017 c. 20 Sch. 3 para. 2](#)
- s. 70A(5A) inserted by [2023 c. 55 Sch. 6 para. 4\(a\)](#)
- s. 70A(10)(11) inserted by [2023 c. 55 s. 110\(4\)\(b\)](#)
- s. 70B(5A)(5B) inserted by [2023 c. 55 s. 110\(5\)\(b\)](#)
- s. 73B inserted by [2023 c. 55 s. 110\(2\)](#)
- s. 74(1C)(aa) inserted by [2023 c. 55 Sch. 6 para. 5\(b\)](#)
- s. 75ZA and cross-heading inserted by [2016 c. 22 s. 155](#)
- s. 83(1A)-(1C) amendment to earlier affecting provision 2004 c. 5, s. 45(2) by [2011 c. 20 Sch. 8 para. 14\(4\)\(5\)Sch. 25 Pt. 16](#)
- s. 83(1A)-(1C) inserted by [2004 c. 5 s. 45\(2\)](#)
- s. 83(2)-(2B) amendment to earlier affecting provision 2004 c. 5, s. 45(3) by [2011 c. 20 Sch. 8 para. 14\(4\)\(5\)Sch. 25 Pt. 16](#)
- s. 83(2)-(2B) substituted for s. 83(2) by [2004 c. 5 s. 45\(3\)](#)
- s. 83(4) inserted by [2004 c. 5 s. 45\(4\)](#)
- s. 85(1A) inserted by [2004 c. 5 s. 45\(6\)](#)
- s. 93(5)(6) inserted by [2017 c. 20 Sch. 3 para. 6](#)
- s. 93G and cross-heading inserted by [2023 c. 55 s. 111\(2\)](#)
- s. 94(1)(e) and word inserted by [2023 c. 55 Sch. 9 para. 1\(15\)](#)
- s. 102(1A) inserted by [2023 c. 55 Sch. 6 para. 9\(b\)](#)
- s. 106A(9A) inserted by [2023 c. 55 s. 125](#)
- s. 106ZA inserted by [2016 c. 22 s. 158\(1\)](#)
- s. 106ZB inserted by [2016 c. 22 s. 159\(1\)](#)
- s. 106ZB(2)(a) omitted by [2023 c. 55 s. 130\(3\)\(b\)](#)
- s. 108(1A)(1B) inserted by [2015 c. 7 Sch. 4 para. 15\(4\)](#)
- s. 108(3A) inserted by [2004 c. 5 Sch. 6 para. 6](#)
- s. 108(3B)(ba) inserted by [2015 c. 7 Sch. 4 para. 15\(6\)](#)
- s. 108(3B)(ba) word omitted by [2023 c. 55 Sch. 9 para. 1\(16\)\(d\)\(i\)](#)
- s. 108(3B)(bb) inserted by [2023 c. 55 Sch. 9 para. 1\(16\)\(d\)\(ii\)](#)
- s. 108(3DA) inserted by [2015 c. 7 Sch. 4 para. 15\(7\)](#)
- s. 108(3DB) inserted by [2023 c. 55 Sch. 9 para. 1\(16\)\(e\)](#)
- s. 141(6) inserted by [2017 c. 20 Sch. 3 para. 7](#)
- s. 153(4A)(c) excluded by [S.I. 2024/393 art. 34\(3\)](#)

- s. 157(A1) inserted by [2023 c. 55 s. 190\(5\)](#)
- s. 169(1)(a) words renumbered as s. 169(1)(a) by [2017 c. 20 s. 26\(5\)\(a\)](#)
- s. 169(1)(b) inserted by [2017 c. 20 s. 26\(5\)\(b\)](#)
- s. 170(8BA) inserted by [2017 c. 20 s. 26\(6\)](#)
- s. 171A(2)(za) inserted by [2023 c. 55 s. 117\(2\)\(a\)](#)
- s. 171B(1)(a)(b) substituted for words by [2023 c. 55 s. 115\(1\)](#)
- s. 171B(2)(a)(b) substituted for words by [2023 c. 55 s. 115\(2\)](#)
- s. 171E(8) inserted by [2023 c. 55 s. 116\(3\)](#)
- s. 172ZA inserted by [2023 c. 55 s. 117\(3\)](#)
- s. 174(2AA)(b) words substituted by [2023 c. 55 s. 113\(6\)](#)
- s. 176(6) inserted by [2023 c. 55 s. 119\(2\)](#)
- s. 188(1)(zb) inserted by [2023 c. 55 s. 117\(4\)\(a\)](#)
- s. 195(3A) inserted by [2023 c. 55 s. 119\(3\)](#)
- s. 196(1A) inserted by [2008 c. 29 Sch. 10 para. 8\(2\)](#)
- s. 208(5A) inserted by [2008 c. 29 Sch. 10 para. 9\(2\)](#)
- s. 216(2)(a)(b) substituted for words by [2023 c. 55 s. 120\(2\)\(a\)](#)
- s. 216(6A) inserted by [2023 c. 55 s. 120\(2\)\(c\)](#)
- s. 303(1ZZA) inserted by [2023 asc 3 Sch. 13 para. 87](#)
- s. 303(10A) inserted by [2015 c. 7 Sch. 4 para. 19\(3\)](#)
- s. 303(12) inserted by [2015 c. 7 Sch. 4 para. 19\(4\)](#)
- s. 303A(1A)(za) inserted by [2023 c. 55 Sch. 8 para. 7\(2\)\(a\)](#)
- s. 303A(9B) inserted by [2023 c. 55 Sch. 8 para. 7\(4\)](#)
- s. 303A(10)(za) inserted by [2023 c. 55 Sch. 8 para. 7\(5\)](#)
- s. 303A(12) inserted by [2023 c. 55 Sch. 8 para. 7\(6\)](#)
- s. 303ZB inserted by [2023 c. 55 s. 134](#)
- s. 314A inserted by [2023 asc 3 Sch. 13 para. 90](#)
- s. 324(1A)(a) words in s. 324(1A) renumbered as s. 324(1A)(a) by [2023 c. 55 Sch. 9 para. 1\(20\)\(a\)](#)
- s. 324(1A)(b) and word inserted by [2023 c. 55 Sch. 9 para. 1\(20\)\(b\)](#)
- s. 327ZA applied (with modifications) by 1990 c. 10, s. 37 (as amended) by [2023 c. 55 s. 124\(7\)\(a\)](#)
- s. 327ZA applied by 1990 c. 9, s. 89(1) (as amended) by [2023 c. 55 s. 124\(5\)\(a\)](#)
- s. 327ZA inserted by [2023 c. 55 s. 124\(1\)](#)
- s. 327ZA modified by 1990 c. 9, s. 89(1ZC) (as inserted) by [2023 c. 55 s. 124\(5\)\(b\)](#)
- s. 333(3ZZAA) inserted by [2023 c. 55 Sch. 9 para. 1\(21\)\(b\)](#)
- s. 333(3ZB) inserted by [2016 c. 22 s. 159\(2\)](#)
- s. 333(3ZZA) inserted by [2023 c. 55 Sch. 9 para. 1\(21\)\(a\)](#)
- Sch. 1 para. 5(4) inserted by [2023 c. 55 Sch. 17 para. 2\(7\)\(c\)](#)
- Sch. 1 para. 7(10)(10A) substituted for Sch. 1 para. 7(10) by [2023 c. 55 Sch. 8 para. 11\(2\)](#)
- Sch. 4B para. 11(3)-(5) inserted by [2017 c. 20 s. 7](#)
- Sch. 4B para. 8(2)(fa) inserted by [2023 c. 55 s. 99\(1\)\(b\)](#)
- Sch. 4B para. 8(2)(ca) inserted by [2023 c. 55 s. 102\(2\)\(a\)\(ii\)](#)
- Sch. 4B para. 8(4A)(4B) inserted by [2023 c. 55 s. 102\(2\)\(b\)](#)
- Sch. 4B para. 5(5)(za) inserted by [2023 c. 55 Sch. 6 para. 12\(a\)](#)
- Sch. 4B para. 8(2)(da) inserted by [2023 c. 55 Sch. 6 para. 12\(b\)](#)
- Sch. 4B para. 8(2)(ea) substituted for Sch. 4B para. 8(2)(e) by [2023 c. 55 s. 99\(1\)\(a\)](#)
- Sch. 7 para. 12(1)-(1C) amendment to earlier affecting provision 2004 c. 5 s. 45(9) by [2011 c. 20 Sch. 8 para. 14\(7\)](#)
- Sch. 7 para. 12(1)-(1C) substituted for Sch. 7 para. 12(1) by [2004 c. 5 s. 45\(9\)](#)
- Sch. 7A para. 14(4) inserted by [2023 c. 55 s. 124\(3\)](#)
- Sch. 9 para. 1(1A) inserted by [2023 c. 55 Sch. 6 para. 13\(b\)](#)
- Sch. 9A inserted by [2016 c. 22 Sch. 13](#)
- Sch. 13 para. 24A inserted by [2017 c. 20 s. 26\(7\)](#)