
STATUTORY INSTRUMENTS

1992 No. 1904

**TOWN AND COUNTRY PLANNING,
ENGLAND AND WALES**

**The Town and Country Planning (Enforcement
Notices and Appeals) (Amendment) Regulations 1992**

Made - - - - - *27th July 1992*
Laid before Parliament *10th August 1992*
Coming into force - - - *1st September 1992*

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by sections 173(10), 175(1) and 336(1)(1) of the Town and Country Planning Act 1990(2), sections 40(1), and 91(1)(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990(3), and of all other powers enabling them in that behalf, hereby make the following Regulations—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Town and Country Planning (Enforcement Notices and Appeals) (Amendment) Regulations 1992 and shall come into force on 1st September 1992.

(2) In these Regulations, “the 1991 Regulations” means the Town and Country Planning (Enforcement Notices and Appeals) Regulations 1991(4).

Amendments to the 1991 Regulations

2.—(1) In regulation 4(a) and 9(c)(ii) of the 1991 Regulations, after “171A” insert “,171B and 172”.

(2) In regulation 7 of those Regulations—

- (a) in paragraph (1), for the words “submit to the Secretary of State and serve” substitute “serve on the Secretary of State and”;
- (b) for paragraph (2) substitute—

(1) See the definition of “prescribed”.
(2) 1990 c. 8; section 173(10) is substituted by section 5(1) of the Planning and Compensation Act 1991 (c. 34).
(3) See the definition of “prescribed”.
(4) 1990 c. 9.
(4) S.I.1991/2804.

“(2) Any statement which is required to be served by paragraph (1) of this regulation shall be served—

- (a) where a local inquiry is to be held and the date fixed for the holding of the inquiry is less than 18 weeks after the relevant date, at least 6 weeks before the date fixed for the holding of the inquiry;
- (b) where a local inquiry is to be held and paragraph (a) does not apply, not later than 12 weeks after the relevant date;
- (c) where no local inquiry is to be held, not later than 28 days from the date on which the Secretary of State sends to the authority a notice requesting the statement.

(3) In paragraph (2), “relevant date” means the date of the Secretary of State’s written notice to the appellant and the local planning authority of his intention to cause an inquiry to be held.”

Transitional

3. The amendments to the 1991 Regulations contained in regulation 2(2) of these Regulations shall not apply to an appeal made before 1st September 1992.

27th July 1992

Michael Howard
Secretary of State for the Environment

27th July 1992

David Hunt
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Town and Country Planning (Enforcement Notices and Appeals) Regulations 1991.

Regulation 2(1) deletes the requirement for the explanatory note accompanying an enforcement notice to include a copy of sections 171C and 171D of the Town and Country Planning Act 1990 (which relate to planning contravention notices rather than enforcement notices).

Regulation 2(2) amends the time limits for serving a local planning authority's statement of submissions on an enforcement appeal. This amendment only applies to appeals made on or after the coming into force of these Regulations (*Regulation 3*).