



Town and Country Planning (Scotland) Act 1972

1972 CHAPTER 52

PART V

ENFORCEMENT OF CONTROL UNDER PARTS III AND IV

Development requiring planning permission

88 Execution and cost of works required by enforcement notice

- (1) If, within the period specified in an enforcement notice for compliance therewith, or within such extended period as the local planning authority may allow, any steps required by the notice to be taken (other than the discontinuance of a use of land) have not been taken, the local planning authority may enter on the land and take those steps, and may recover from the person who is then the owner or lessee of the land any expenses reasonably incurred by them in doing so; and if that person, having been entitled to appeal to the Secretary of State failed to make such an appeal, he shall not be entitled in proceedings under this subsection to dispute the validity of the action taken in accordance with the notice by the local planning authority.
- (2) Any expenses incurred by the owner, lessee or occupier of any land for the purpose of complying with an enforcement notice served in respect of any breach of planning control (as defined in section 84(2) of this Act) and any sums paid by the owner or lessee of any land under subsection (1) of this section in respect of expenses incurred by the local planning authority in taking steps required by such a notice to be taken, shall be recoverable from the person by whom the breach of planning control was committed.
- (3) Regulations made under this Act may provide that, in relation to any steps required to be taken by an enforcement notice, either or both of the enactments specified in subsection (4) of this section shall apply, subject to such adaptations and modifications as may be specified in the regulations.

Status: This is the original version (as it was originally enacted).

- (4) The said enactments are the following provisions of the Water (Scotland) Act 1946, that is to say—
- (a) section 57 (which limits the liability of persons holding premises as agents or trustees in respect of the expenses recoverable under Part III of that Act); and
 - (b) section 68 (which confers power to require the occupier of premises to permit works to be executed by the owner of the premises).