



Town and Country Planning (Minerals) Act 1981

1981 CHAPTER 36

PART I

ENGLAND AND WALES

Miscellaneous amendments

11 Enforcement of orders

The following section shall be substituted for section 108 of that Act—

“108 Enforcement of orders under sections 51, 51A and 51B.

- (1) Any person who, without the grant of planning permission in that behalf—
 - (a) uses land, or causes or permits land to be used—
 - (i) for any purpose for which an order under section 51 of this Act has required that its use shall be discontinued; or
 - (ii) in contravention of any condition imposed by such an order by virtue of subsection (1) of that section ; or
 - (b) resumes, or causes or permits to be resumed, development consisting of the winning and working of minerals the resumption of which an order under section 51A of this Act has prohibited; or
 - (c) contravenes, or causes or permits to be contravened, any such requirement as is specified in section 51A(3) or (4) of this Act,shall be guilty of an offence.
- (2) Any person who contravenes any requirement of a suspension order or a supplementary suspension order or who causes or permits any requirement of such an order to be contravened shall be guilty of an offence.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (3) Any person guilty of an offence under this section shall be liable—
- (a) on summary conviction to a fine not exceeding the statutory maximum ; and
 - (b) on conviction on indictment, to a fine.
- (4) If—
- (a) any step required by an order under section 51 of this Act to be taken for the alteration or removal of any buildings or works or any plant or machinery; or
 - (b) any step required by an order under section 51A of this Act to be taken—
 - (i) for the alteration or removal of plant or machinery ; or
 - (ii) for the removal or alleviation of any injury to amenity; or
 - (c) any step for the protection of the environment required to be taken by a suspension order or a supplementary suspension order,
- has not been taken within the period specified in the order, or within such extended period as the local planning authority may allow, the local planning authority may enter the land and take that step, and may recover from the person who is then the owner of the land any expenses reasonably incurred by them in doing so; and section 276 of the Public Health Act 1936 shall apply in relation to any works executed by a local planning authority under this subsection as it applies in relation to works executed by a local authority under that Act.
- (5) The references to the local planning authority in subsection (4) of this section are to be construed as references to the mineral planning authority—
- (a) in relation to an order under section 51 of this Act requiring that any buildings or works or plant or machinery used for the winning and working of minerals shall be altered or removed ; and
 - (b) in relation to any step required to be taken as mentioned in paragraphs (b) and (c) of subsection (4) of this section.
- (6) It shall be a defence for a person charged with an offence under this section to prove that he took all reasonable measures and exercised all due diligence to avoid commission of the offence by himself or by any person under his control.
- (7) If in any case the defence provided by subsection (6) of this section involves an allegation that the commission of the offence was due to the act or default of another person or due to reliance on information supplied by another person, the person charged shall not, without the leave of the court, be entitled to rely on the defence unless, within a period ending seven clear days before the hearing, he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of the other person as was then in his possession.”.