

SCHEDULES

^{F1}SCHEDULE 2

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Textual Amendments

F1 Sch. 2 repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), Sch. 1 Pt. I (with s. 5, Sch. 3)

- 19 In section 84 (which relates to the power to serve enforcement notices)—
- (a) after paragraph (c) of subsection (3) there shall be inserted the words—
 - “; or
 - (d) the failure to comply with a condition which prohibits, or has the effect of preventing, a change of use of a building to use as a single dwelling-house.” ;
 - (b) after subsection (5) there shall be inserted the following subsection—
 - “(5A) Service under subsection (5) above shall be effected by the service of a copy of the notice ; and references in this Act to service of enforcement notices shall be so construed.” ;
 - (c) for subsection (7) there shall be substituted the following subsections—
 - “(7) In an enforcement notice the planning authority shall specify the matters alleged to constitute a breach of planning control and the steps required to be taken to restore the land to its condition before the breach took place ; but may in addition specify, as an alternative, the steps required to be taken to bring the land to a condition acceptable to the planning authority, having regard to the development plan and any other material consideration.
 - (7A) The planning authority shall also specify in the enforcement notice—
 - (a) the period or periods within which any steps specified under subsection (7) above are to be carried out ; and any such period shall begin with the date when the notice is to take effect ; and
 - (b) such additional matters as may be prescribed under subsection (12) of this section.
 - (7B) Where a development in respect of which an enforcement notice has been served is altered in accordance with steps required by virtue of subsection (7) above, planning permission shall be deemed to have been granted in respect of the development as so altered.” ;
 - (d) for subsection (9) there shall be substituted the following subsection—

Changes to legislation: There are currently no known outstanding effects for the Local Government and Planning (Scotland) Act 1982, Paragraph 19. (See end of Document for details)

- “(9) Subject to section 85 of this Act, an enforcement notice shall take effect on such date as may be specified in the notice, being a date not less than 28 days after the latest service thereof under subsection (5) above.” ; and
- (e) at the end there shall be added the following subsection—
- “(12) The Secretary of State may prescribe matters, additional to those mentioned in subsections (7) and (7A) above, to be specified by planning authorities in enforcement notices ; and without prejudice to the generality of the foregoing provisions of this subsection may require a planning authority to include in an enforcement notice—
- (a) a note, in such terms as may be prescribed, explaining the rights of persons to appeal against the notice ; and
 - (b) a note of the planning authority’s reasons for serving the notice.”.

Changes to legislation:

There are currently no known outstanding effects for the Local Government and Planning (Scotland) Act 1982, Paragraph 19.