



# Planning and Compensation Act 1991

## 1991 CHAPTER 34

### PART I

#### TOWN AND COUNTRY PLANNING: ENGLAND AND WALES

##### *Other changes relating to enforcement*

#### **8 Offence where enforcement notice not complied with.**

For section 179 of the principal Act (penalties for non-compliance with enforcement notice) there is substituted—

##### **“179 Offence where enforcement notice not complied with.**

- (1) Where, at any time after the end of the period for compliance with an enforcement notice, any step required by the notice to be taken has not been taken or any activity required by the notice to cease is being carried on, the person who is then the owner of the land is in breach of the notice.
- (2) Where the owner of the land is in breach of an enforcement notice he shall be guilty of an offence.
- (3) In proceedings against any person for an offence under subsection (2), it shall be a defence for him to show that he did everything he could be expected to do to secure compliance with the notice.
- (4) A person who has control of or an interest in the land to which an enforcement notice relates (other than the owner) must not carry on any activity which is required by the notice to cease or cause or permit such an activity to be carried on.
- (5) A person who, at any time after the end of the period for compliance with the notice, contravenes subsection (4) shall be guilty of an offence.

---

*Status: Point in time view as at 02/01/1992.*

*Changes to legislation: There are currently no known outstanding effects for the Planning and Compensation Act 1991, Section 8. (See end of Document for details)*

---

- (6) An offence under subsection (2) or (5) may be charged by reference to any day or longer period of time and a person may be convicted of a second or subsequent offence under the subsection in question by reference to any period of time following the preceding conviction for such an offence.
- (7) Where—
- (a) a person charged with an offence under this section has not been served with a copy of the enforcement notice; and
  - (b) the notice is not contained in the appropriate register kept under section 188,
- it shall be a defence for him to show that he was not aware of the existence of the notice.
- (8) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction, to a fine not exceeding £20,000; and
  - (b) on conviction on indictment, to a fine.
- (9) In determining the amount of any fine to be imposed on a person convicted of an offence under this section, the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue to him in consequence of the offence.”

---

**Commencement Information**

**II** s. 8 wholly in force at 2.1.1992 see s. 84(2)(3) and S.I. 1991/2905, arts. 3, 5

**Status:**

Point in time view as at 02/01/1992.

**Changes to legislation:**

There are currently no known outstanding effects for the Planning and Compensation Act 1991, Section 8.