



# Town and Country Planning Act 1962

1962 CHAPTER 38 10 and 11 Eliz 2

## PART IV

### ENFORCEMENT OF PLANNING CONTROL

#### *Enforcement in other cases*

#### **61 Enforcement of orders under s.28**

- (1) Where, by virtue of an order under section twenty-eight of this Act, the use of land for any purpose is required to be discontinued, or any conditions are imposed on the continuance thereof, then if any person, without the grant of planning permission in that behalf, uses the land for that purpose, or, as the case may be, uses the land for that purpose in contravention of those conditions, or causes or permits the land to be so used, he shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding one hundred pounds; and if the use is continued after the conviction, he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding twenty pounds for every day on which the use is so continued.
- (2) If, within the period specified in that behalf in an order under section twenty-eight of this Act, any steps required by that order to be taken for the alteration or removal of any buildings or works have not been taken, the local planning authority may, and shall if so required by directions of the Minister, enter upon the land and take those steps; and section two hundred and seventy-six 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.

#### **62 Enforcement of tree and building preservation orders**

- (1) If any person contravenes the provisions of a tree preservation order, he shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding fifty pounds; and if, in the case of a continuing offence, the contravention is continued after the conviction, he shall be guilty of a further offence and liable on summary

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*Status: This is the original version (as it was originally enacted).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

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conviction to an additional fine not exceeding forty shillings for every day on which the contravention is so continued.

- (2) The matters for which provision may be made by a building preservation order shall include provision for enabling the local planning authority, where any works of a description specified in the order have been executed in contravention of the order, to require the restoration of the building to its former state, and for that purpose for applying any of the provisions of this Part of this Act with respect to enforcement notices, subject to such adaptations and modifications as may be specified in the order.
- (3) Without prejudice to any provisions included in a building preservation order by virtue of the last preceding subsection, if any person, being the owner of a building in relation to which a building preservation order is in force, or a person on whom notice of such an order has been served by the authority by whom the order was made, executes, or causes or permits to be executed, any works in contravention of the order, he shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding one hundred pounds.
- (4) Nothing in subsection (2) or subsection (3) of this section shall render unlawful the execution of any works which are urgently necessary in the interests of safety or health or for the preservation of the building in question or of neighbouring property, so long as notice in writing of the proposed execution of the works is given, as soon as may be after the necessity for the works arises, to the authority by whom the order was made.

## **63 Enforcement of control of advertisements**

- (1) The matters for which provision may be made by regulations under section thirty-four of this Act shall include provision for enabling the local planning authority to require the removal of any advertisement which is being displayed in contravention of the regulations, or the discontinuance of the use for the display of advertisements of any site which is being so used in contravention of the regulations, and for that purpose for applying any of the provisions of this Part of this Act with respect to enforcement notices, subject to such adaptations and modifications as may be specified in the regulations.
- (2) Without prejudice to any provisions included in regulations made under section thirty-four of this Act by virtue of the preceding subsection, if any person displays an advertisement in contravention of the provisions of the regulations he shall be guilty of an offence and liable on summary conviction to a fine of such amount as may be prescribed by the regulations, not exceeding fifty pounds and, in the case of a continuing offence, forty shillings for each day during which the offence continues after conviction.
- (3) For the purposes of the last preceding subsection, and without prejudice to the generality thereof, a person shall be deemed to display an advertisement if—
  - (a) the advertisement is displayed on land of which he is the owner or occupier, or
  - (b) the advertisement gives publicity to his goods, trade, business or other concerns:

Provided that a person shall not be guilty of an offence under the last preceding subsection by reason only that an advertisement is displayed on land of which he is the owner or occupier, or that his goods, trade, business or other concerns are given publicity by the advertisement, if he proves that it was displayed without his knowledge or consent.