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STATUTORY INSTRUMENTS

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**1992 No. 1562**

**TOWN AND COUNTRY PLANNING,  
ENGLAND AND WALES**

**The Town and Country Planning (Special  
Enforcement Notices) Regulations 1992**

<i>Made</i>	- - - -	<i>29th June 1992</i>
<i>Laid before Parliament</i>		<i>6th July 1992</i>
<i>Coming into force</i>	- -	<i>27th July 1992</i>

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by sections 295(6) and 333(1) of the Town and Country Planning Act 1990<sup>(1)</sup> and of all other powers enabling them in that behalf, hereby make the following Regulations:—

**Citation and commencement**

1. These Regulations may be cited as the Town and Country Planning (Special Enforcement Notices) Regulations 1992, and shall come into force on 27th July 1992.

**Special enforcement notices**

2. The provisions of the Town and Country Planning Act 1990 specified in the Schedule to these Regulations shall apply to special enforcement notices and to appeals against such notices under section 295(3) of the Town and Country Planning Act 1990 as if the references in those provisions to an enforcement notice were references to a special enforcement notice and subject to the further modifications specified in that Schedule.

**Revocation**

3. The Town and Country Planning (Special Enforcement Notices) Regulations 1984<sup>(2)</sup> are hereby revoked.

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(1) 1990 c. 8.  
(2) S.I. 1984/1016.

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**Status:** This is the original version (as it was originally made).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

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29th June 1992

*Michael Howard*  
Secretary of State for the Environment

29th June 1992

*David Hunt*  
Secretary of State for Wales

## SCHEDULE

<i>Provisions of the Town and Country Planning Act 1990 applied</i>	<i>Modifications</i>
Section 173(10)(3)	In subsection (10)— (a) for “section 172”, substitute “section 295(1)”; and (b) for “section 174” substitute “section 295(3)”.
Section 173A(4)	In subsection (1)(b), for “section 173(9)” substitute “section 294(6) and (7)”.
Section 175(5) and (7)(5)	None.
Section 179(6)	In subsections (1) and (2), for “owner” substitute “occupier” in each place that it occurs.  Omit subsections (4) and (5).  In subsection (6), omit “or (5)”.
Section 180(1) and (3)(7)	In subsection (1), omit “; or (b) a breach of condition notice”.  In subsection (3), omit “or breach of condition notice”.
Section 181(8)	In subsection (2), omit “; to the extent that it is in contravention of Part III”.  In subsection (3), omit all the words after “were removed or altered”.  Omit subsection (4).
Section 183(9)	In subsection (6), for “have an interest in” substitute “be occupying”.
Section 184(10)	In subsection (8), for “section 172” substitute “section 295(1)”.
Section 186(11)	In subsection (1), for paragraphs (a) to (c) substitute— (“a) the special enforcement notice is quashed; (b) the special enforcement notice is varied so that any activity the carrying out of

(3) 1990 c. 8; section 173(10) was substituted by section 5 of the Planning and Compensation Act 1991 (c. 34).

(4) 1990 c. 8; section 173A was inserted by section 5 of the 1991 Act.

(5) 1990 c. 8; section 175(7) was inserted by paragraph 3 of Schedule 4 to the Planning (Consequential Provisions) Act 1990 (c. 11).

(6) 1990 c. 8; section 179 was substituted by section 8 of the 1991 Act.

(7) 1990 c. 8; section 180 was substituted by paragraph 26 of Schedule 7 to the 1991 Act.

(8) ) 1990 c. 8; section 181 was amended by paragraph 27 of Schedule 7 to the 1991 Act.

(9) 1990 c. 8; section 183 was amended by section 9(1) of the 1991 Act.

(10) 1990 c. 8; section 184 was amended by section 9(2) of, and paragraph 28 of Schedule 7 to, the 1991 Act.

(11) 1990 c. 8; section 186 was amended by section 9(3) of, and paragraph 29 of Schedule 7 to, the 1991 Act.

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<i>Provisions of the Town and Country Planning Act 1990 applied</i>	<i>Modifications</i>
	which is prohibited by the stop notice ceases to be a relevant activity;
	(c) the special enforcement notice is withdrawn by the local planning authority;".
Section 187(12)	None.
Section 188(13)	None.
Section 285(1) and (2)(14)	In subsection (1), for "Part VII" substitute "section 295(3)".
	In subsection (2)—
	(a) for paragraph (a) substitute—
	("a) has occupied the land since before the special enforcement notice was issued under section 294(3);";and
	(b) in paragraph (b), for "that Part" substitute "section 295(1)".
Section 289(15)	In subsection (1), for "Part VII" substitute "section 295(3)".
Section 322	None.
Section 322A(16)	None.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Section 294 of the Town and Country Planning Act 1990 empowers local planning authorities (with the consent of the Crown) to issue special enforcement notices in respect of development carried out on Crown land by persons such as trespassers at a time when there is no private right to occupy the land. Section 295(5) applies to special enforcement notices certain of the provisions of sections 174, 175 and 176 of the Town and Country Planning Act 1990 relating to enforcement notices issued in respect of breaches of planning control and empowers the Secretary of State to apply other provisions of the 1990 Act with modifications. These Regulations apply to special enforcement notices certain provisions of the 1990 Act specified in the Schedule and adapt those provisions to such notices. They supersede the Town and Country Planning (Special Enforcement Notices) Regulations 1984.

(12) 1990 c. 8; section 187 was amended by section 9(4) of the 1991 Act.

(13) 1990 c. 8; section 188 was amended by paragraph 30 of Schedule 7 to the 1991 Act.

(14) 1990 c. 8; section 285 was amended by paragraph 42 of Schedule 7 to the 1991 Act.

(15) 1990 c. 8; section 289 was amended by section 6(4) and (5) of the 1991 Act.

(16) 1990 c. 8; section 322A was inserted by section 30(1) of the 1991 Act.

The provisions applied are: section 173(10) (which gives the Secretary of State power to make regulations with respect to the content of enforcement notices and the informing of persons served with a copy of the notice of the right of appeal against the notice); section 173A (which relates to the variation and withdrawal of enforcement notices); sections 175(5) and (7), 322 and 322A (restrictions on right to claim in proceedings that an enforcement notice has not been duly served and awards of costs to parties in enforcement appeals); section 179 (penalties for non-compliance with an enforcement notice); section 180 (effect of planning permission on enforcement notice); section 181 (enforcement notice to have effect against subsequent development); sections 183, 184, 186 and 187 (which give power to serve stop notices, prohibiting the carrying out of activities to which an enforcement notice relates, and provide for compensation for loss due to a stop notice, in certain circumstances, where the enforcement notice is quashed or varied on appeal by the Secretary of State or that notice or the stop notice is withdrawn by the local planning authority); section 188 (register of enforcement and stop notices); section 285(1) and (2) (restriction on right to question validity of notices otherwise than by way of appeal to the Secretary of State); and section 289 (appeals to the High Court).