



# Planning (Scotland) Act 2019

## 2019 asp 13

### PART 4

#### OTHER MATTERS

##### *Enforcement*

#### **42 Fines: increases and duty of court in determining amount**

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 126 (penalties for non-compliance with planning contravention notice)—
  - (a) in subsection (4), for “level 3” substitute “ level 5 ”,
  - (b) in subsection (6), for “level 5 on the standard scale” substitute “ the statutory maximum ”.
- (3) In section 136 (offence where enforcement notice not complied with), in subsection (8)
  - (a), for “£20,000” substitute “ £50,000 ”.
- (4) In section 138 (enforcement notice to have effect against subsequent development)—
  - (a) in subsection (4), for “level 5 on the standard scale” substitute “ the statutory maximum ”,
  - (b) after subsection (4), insert—

“(5) In determining the amount of the fine to be imposed under subsection (4), the court is in particular to have regard to any financial benefit which has accrued or appears likely to accrue to the convicted person in consequence of the activity which constituted the offence.”.
- (5) In section 144 (penalties for contravention of stop notice), in subsection (5)(a), for “£20,000” substitute “ £50,000 ”.
- (6) In section 144C (temporary stop notices: offences), in subsection (6)(a), for “£20,000” substitute “ £50,000 ”.
- (7) In section 145 (enforcement of conditions)—
  - (a) in subsection (12), for “level 3” substitute “ level 5 ”,
  - (b) after subsection (12), insert—

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**Changes to legislation:** Planning (Scotland) Act 2019, Section 42 is up to date with all changes known to be in force on or before 03 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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“(12A) In determining the amount of the fine to be imposed under subsection (12), the court is in particular to have regard to any financial benefit which has accrued or appears likely to accrue to the convicted person in consequence of the activity which constituted the offence.”.

(8) In section 186 (enforcement of control as to advertisements), in subsection (3) for “level 3” in both places it occurs substitute “ level 5 ”.

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**Commencement Information**

**II** S. 42 in force at 20.12.2019 by S.S.I. 2019/377, reg. 2 (with regs. 5-10) (as amended by S.S.I. 2019/411, regs. 1, 2)

**Changes to legislation:**

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[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing S.S.I. 2019/377, reg. 9 by [S.S.I. 2019/411 reg. 2](#)
- specified provision(s) amendment to earlier commencing S.S.I. 2021/101, regs. 3, 4 by [S.S.I. 2021/291 reg. 2](#)