



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—

Status: This is the original version (as it was originally enacted).

“(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”.