

**PLANNING AMENDMENT
(NORTHERN IRELAND) ORDER 2003**

S.I. 2003 No. 430 (N.I. 8)

EXPLANATORY MEMORANDUM

COMMENTARY ON ARTICLES

Other changes relating to enforcement

Article 11 - Stop notices

This Article strengthens and clarifies the current stop notice provisions by providing that a stop notice has immediate effect unless the Department states otherwise. To ensure parity with the increased penalties for contravention of an enforcement notice, this Article provides that:

- until the notice is complied with, further offences may be committed;
- the maximum level of fine for contravention of a stop notice is increased from £5,000 to £30,000 on summary conviction;
- statute allows, for the first time, for a person to be convicted on indictment for this type of offence; and,
- the courts are required to take account of any benefits accrued or which appear likely to accrue as a result of the offence.

In certain circumstances compensation may be payable when a stop notice is quashed or withdrawn. Paragraph (2) of the Article provides that no compensation is payable in respect of a stop notice for any activity which, at the time when the notice is in force, constitutes or contributes to a breach of planning control or, in respect of any loss or damage if such loss or damage could have been avoided had information required under a contravention notice (see Article 3), or Article 125 of the 1991 Order, been provided.