



Town and Country Planning Act 1971

1971 CHAPTER 78

PART V

ENFORCEMENT OF CONTROL UNDER PARTS III AND IV

Development requiring planning permission

91 Execution and cost of works required by enforcement notice

- (1) If, within the period specified in an enforcement notice for compliance therewith, or within such extended period as the local planning authority may allow, any steps required by the notice to be taken (other than the discontinuance of a use of land) have not been taken, the local planning authority may enter the land and take those steps, and may recover from the person who is then the owner of the land any expenses reasonably incurred by them in doing so.
- (2) Any expenses incurred by the owner or occupier of any land for the purpose of complying with an enforcement notice served in respect of any breach of planning control (as defined in section 87(2) of this Act) and any sums paid by the owner of any land under subsection (1) of this section in respect of expenses incurred by the local planning authority in taking steps required by such a notice to be taken, shall be deemed to be incurred or paid for the use and at the request of the person by whom the breach of planning control was committed.
- (3) Regulations made under this Act may provide that, in relation to any steps required to be taken by an enforcement notice, all or any of the enactments specified in subsection (4) of this section shall apply, subject to such adaptations and modifications as may be specified in the regulations, including, in the case of the enactment specified in paragraph (b) of that subsection, adaptations and modifications for the purpose of affording to the owner of land to which an enforcement notice relates the right, as against all other persons interested in the land, to comply with the requirements of the enforcement notice.
- (4) The said enactments are the following provisions of the Public Health Act 1936, that is to say—

Status: This is the original version (as it was originally enacted).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

- (a) section 276 (power of local authorities to sell materials removed in executing works under that Act subject to accounting for the proceeds of sale);
 - (b) section 289 (power to require the occupier of any premises to permit works to be executed by the owner of the premises);
 - (c) section 292 (power of local authorities to include a sum in respect of establishment charges in their expenses in executing works); and
 - (d) section 294 (limit on liability of persons holding premises as agents or trustees in respect of the expenses recoverable under that Act).
- (5) Any regulations made in accordance with subsection (3) of this section may provide for the charging on the land of any expenses recoverable by a local authority under subsection (1) of this section.