



Town and Country Planning Act 1990

1990 CHAPTER 8

PART VII

ENFORCEMENT

Enforcement of orders for discontinuance of use, etc.

189 Penalties for contravention of orders under s. 102 and Schedule 9

- (1) Any person who without planning permission—
 - (a) uses land, or causes or permits land to be used—
 - (i) for any purpose for which an order under section 102 or paragraph 1 of Schedule 9 has required that its use shall be discontinued; or
 - (ii) in contravention of any condition imposed by such an order by virtue of subsection (1) of that section or, as the case may be, sub-paragraph (1) of that paragraph; or
 - (b) resumes, or causes or permits to be resumed, development consisting of the winning and working of minerals the resumption of which an order under paragraph 3 of that Schedule has prohibited; or
 - (c) contravenes, or causes or permits to be contravened, any such requirement as is specified in sub-paragraph (3) or (4) of that paragraph,shall be guilty of an offence.
- (2) Any person who contravenes any requirement of an order under paragraph 5 or 6 of that Schedule or who causes or permits any requirement of such an order to be contravened shall be guilty of an offence.
- (3) Any person guilty of an offence under this section shall be liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum; and
 - (b) on conviction on indictment, to a fine.

- (4) It shall be a defence for a person charged with an offence under this section to prove that he took all reasonable measures and exercised all due diligence to avoid commission of the offence by himself or by any person under his control.
- (5) If in any case the defence provided by subsection (4) involves an allegation that the commission of the offence was due to the act or default of another person or due to reliance on information supplied by another person, the person charged shall not, without the leave of the court, be entitled to rely on the defence unless, within a period ending seven clear days before the hearing, he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of the other person as was then in his possession.

190 Enforcement of orders under s. 102 and Schedule 9

- (1) This section applies where—
 - (a) any step required by an order under section 102 or paragraph 1 of Schedule 9 to be taken for the alteration or removal of any buildings or works or any plant or machinery;
 - (b) any step required by an order under paragraph 3 of that Schedule to be taken—
 - (i) for the alteration or removal of plant or machinery; or
 - (ii) for the removal or alleviation of any injury to amenity; or
 - (c) any step for the protection of the environment required to be taken by an order under paragraph 5 or 6 of that Schedule,has not been taken within the period specified in the order or within such extended period as the local planning authority or, as the case may be, the mineral planning authority may allow.
- (2) Where this section applies the local planning authority or, as the case may be, the mineral planning authority may enter the land and take the required step.
- (3) Where the local planning authority or, as the case may be, the mineral planning authority have exercised their power under subsection (2) they may recover from the person who is then the owner of the land any expenses reasonably incurred by them in doing so.
- (4) Any expenses recoverable by a local planning authority or a mineral planning authority under subsection (3) shall be recoverable as a simple contract debt in any court of competent jurisdiction.
- (5) Section 276 of the Public Health Act 1936 shall apply in relation to any works executed by an authority under subsection (2) as it applies in relation to works executed by a local authority under that Act.