STATUTORY INSTRUMENTS

# 1984 No. 1016

# TOWN AND COUNTRY PLANNING, ENGLAND AND WALES

## The Town and Country Planning (Special Enforcement Notices) Regulations 1984

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| *Made* - - - - | 17*th July* 1984 |
| *Laid before Parliament* | 20*th July* 1984 |
| *Coming into Operation* | 12*th August* 1984 |

The Secretary of State for the Environment, in relation to England, and the Secretary of State for Wales, in relation to Wales, in exercise of the powers conferred by section 3(8) of the Town and Country Planning Act 1984(**a**), section 287(2) of the Town and Country Planning Act 1971(**b**) (as applied by section 6(2) of the Town and Country Planning Act 1984) and of all other powers enabling them in that behalf, hereby make the following regulations:—

**1.** These regulations may be cited as the Town and Country Planning (Special Enforcement Notices) Regulations 1984, and shall come into operation on 12th August 1984.

**2.** The provisions of the Town and Country Planning Act 1971 specified in the Schedule to these regulations shall apply to special enforcement notices and to appeals against such notices under section 3(7) of the Town and Country Planning Act 1984 as if the references in those provisions to an enforcement notice were references to a special enforcement notice and subject to the further modifications specified in that Schedule.

(**a**) 1984 c. 10. (**b**) 1971 c. 78.

## SCHEDULE

| Provisions of the Town and Country Planning Act 1971 applied | Modifications |
|---|---|
| Section 87(12) | In paragraph (*a*), for the words "this section", substitute the words "section 3(4) and (5) of the Town and Country Planning Act 1984".<br>In paragraph (*b*)—<br>(*a*) for the words "this section", substitute the words "section 3(6) of that Act"; and<br>(*b*) for the words "section 88 of this Act", substitute the words "section 3(7) of that Act". |
| Section 87(14) and (15) | None. |
| Section 89 | In subsection (1), for the word "owner", substitute the word "occupier".<br>Omit subsections (2) and (3). |
| Section 90 | In subsection (1)—<br>(*a*) in paragraph (*a*), omit the words "requiring a breach of planning control to be remedied"; and<br>(*b*) in paragraph (*b*), for the words "the breach", substitute the word "development".<br>In paragraph (*c*) of subsection (2), omit all the words after "the enforcement notice".<br>In subsection (4), for the words "a breach of planning control", substitute the word "development".<br>In subsection (5), for the words "to have an interest in", substitute the words "to be occupying".<br>In subsection (9), for the words "section 87(5) of this Act", substitute the words "section 3(6) of the Town and Country Planning Act 1984". |
| Section 92 | None. |
| Section 92A | Omit subsection (2). |
| Section 93 | In subsection (2), omit the words "to the extent that it is in contravention of Part III of this Act".<br>In subsection (3), omit all the words after "were demolished or altered".<br>Omit subsection (4). |

| Provisions of the Town and Country Planning Act 1971 applied | Modifications |
|---|---|
| Section 110 | For the words "this Part of this Act", in both places where they occur, substitute the words "section 3(7) of the Town and Country Planning Act 1984". |
| Section 177 | In subsection (2), for paragraphs (*a*) to (*d*), substitute—<br>"(*a*) the special enforcement notice is quashed;<br>(*b*) the special enforcement notice is varied, so that matters alleged to constitute development cease to include one or more of the activities prohibited by the stop notice;<br>(*c*) the special enforcement notice is withdrawn by the local planning authority;<br>(*d*) the stop notice is withdrawn.". |
| Section 243(1) and (2) | In subsection (1), for the words "Part V of this Act" in paragraph (*a*), substitute the words "section 3(7) of the Town and Country Planning Act 1984".<br>In subsection (2)—<br>(*a*) for paragraph (*a*), substitute—<br>"(*a*) has occupied the land since before the special enforcement notice was issued under section 3(2) of the Town and Country Planning Act 1984;"; and<br>(*b*) in paragraph (*b*), for the words "that Part of this Act", substitute the words "section 3(6) of that Act". |
| Section 246 | In subsection (1), for the words "Part V of this Act", substitute the words "section 3(7) of the Town and Country Planning Act 1984". |

*Patrick Jenkin,*
Secretary of State for the Environment.

16th July 1984.

*Nicholas Edwards,*
Secretary of State for Wales.

17th July 1984.

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

Section 3 of the Town and Country Planning Act 1984 empowers local planning authorities (with the consent of the Crown) to issue special enforcement notices in respect of development carried out on Crown land by persons such as trespassers at a time when there is no private right to occupy the land. Section 3(8) applies to special enforcement notices certain of the provisions of sections 88 and 88A of the Town and Country Planning Act 1971 relating to enforcement notices issued in respect of breaches of planning control and empowers the Secretary of State to apply other provisions of the 1971 Act with modifications. These regulations apply to special enforcement notices the provisions of the 1971 Act specified in the Schedule and adapt those provisions to such notices.

The provisions applied are: section 87(12) (which gives the Secretary of State power to make regulations with respect to the content of enforcement notices and the informing of persons served with a copy of the notice of the right of appeal against the notice); section 87(14) and (15) (which relate to the withdrawal of enforcement notices); section 89 (penalties for non-compliance with an enforcement notice); sections 90 and 177 (which give power to serve stop notices, prohibiting the carrying out of activities to which an enforcement notice relates, and provide for compensation for loss due to a stop notice, in certain circumstances, where the enforcement notice is quashed or varied by the Secretary of State or that notice or the stop notice is withdrawn by the local planning authority); section 92 (effect of planning permission on enforcement notice); section 92A (register of enforcement and stop notices); section 93 (enforcement notice to have effect against subsequent development); section 110 (awards of costs to parties in enforcement appeals, and restriction on right to claim in proceedings that an enforcement notice has not been duly served); section 243(1) and (2) (restriction on right to question validity of notices otherwise than by way of appeal to the Secretary of State); and section 246 (appeals to the High Court).

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