STATUTORY INSTRUMENTS

1984 No. 236(S. 19)

TOWN AND COUNTRY PLANNING, SCOTLAND

The Town and Country Planning (Enforcement of Control) (Scotland) Regulations 1984

Made - - - -	*24th February* 1984
Laid before Parliament	*9th March* 1984
Coming into Operation	*14th May* 1984

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In exercise of the powers conferred on me by sections 84(12), 85(2B) and 87A of the Town and Country Planning (Scotland) Act 1972 (**a**) and of all other powers enabling me in that behalf, I hereby make the following regulations:—

(**a**) 1972 c.52; sections 87A, 84(12) and 85(2B) were inserted respectively by section 44 of and paragraphs 19*(e)* and 20*(b)* of Schedule 2 to the Local Government and Planning (Scotland) Act 1982 (c.43).

PART I

CITATION, COMMENCEMENT AND INTERPRETATION

Citation and commencement

1. These regulations may be cited as the Town and Country Planning (Enforcement of Control) (Scotland) Regulations 1984 and shall come into operation on 14th May 1984.

Interpretation

2. In these regulations, unless the context otherwise requires, "the Act" means the Town and Country Planning (Scotland) Act 1972; and other expressions have the same meaning for the purposes of these regulations as they have for the purposes of the Act or, as the case may be, for the purposes of Part IX (Planning Functions) of the Local Government (Scotland) Act 1973(**a**).

PART II

ENFORCEMENT NOTICES UNDER SECTION 84

Matters to be specified in an enforcement notice

3. Planning authorities are directed to specify in any enforcement notice which they serve under section 84 of the Act—

(a) the reasons why they consider it expedient to issue the notice; and

(b) the precise boundaries of the land to which the notice relates whether by reference to a plan or otherwise.

Explanatory note to be included in an enforcement notice

4. Every enforcement notice served by a planning authority under section 84 of the Act shall include an explanatory note which shall contain the following:—

(a) a copy of sections 84 and 85 of the Act, or a summary of those sections including the following information:—

(i) that there is a right of appeal to the Secretary of State against the enforcement notice;

(ii) that an appeal must be made in writing to the Secretary of State before the date specified in the enforcement notice as the date on which it is to take effect;

(iii) the grounds on which an appeal may be brought under section 85 of the Act;

(b) notification that an appellant must submit to the Secretary of State, either when giving notice of appeal or within 28 days from the date on which the Secretary of State sends him a notice so requiring him, a statement in writing specifying the grounds on which he is appealing against the enforcement notice and stating briefly the facts on which he proposes to rely in support of each of these grounds.

(**a**) 1973 c.65.

PART III

APPEALS

Statement by appellant

5. A person who gives notice to the Secretary of State under section 63A(2), 85(2) or 93(2) (**a**) of the Act appealing against a waste land notice, an enforcement notice or a listed building enforcement notice and who does not send with it a statement in writing specifying the grounds on which he is appealing against the notice and stating briefly the facts on which he proposes to rely in support of each of those grounds shall submit such a statement to the Secretary of State not later than 28 days from the date on which the Secretary of State sends him a notice so requiring him.

Statement by planning authority

6.—(1) Where an appeal has been made to the Secretary of State against a waste land notice, an enforcement notice or a listed building enforcement notice, the planning authority shall submit to the Secretary of State and to the appellant a statement indicating the submissions which they propose to put forward on the appeal and including the following matters:—

(a) a summary of the authority's response to each ground of appeal pleaded by the appellant;

(b) in the case of an enforcement notice a statement as to whether the authority would be prepared to grant planning permission for the development alleged in the enforcement notice to have been carried out and, if so, the details of any condition they would wish to attach to such permission;

(c) in the case of a listed building enforcement notice a statement as to whether the authority would be prepared to grant listed building consent for the works to which the listed building enforcement notice relates and, if so, the details of any condition they would wish to attach to such consent.

(2) Any statement which is required to be submitted by paragraph (1) of this regulation shall be submitted within 28 days of the Secretary of State notifying the planning authority of the appeal.

PART IV

REGISTER OF WASTE LAND NOTICES, ENFORCEMENT NOTICES AND STOP NOTICES

Register of waste land notices, enforcement notices and stop notices

7.—(1) Subject to paragraph (2) of this regulation, the register which every general and district planning authority are required to keep under the provisions of section 87A of the Act shall contain the following information with respect to every waste land notice, enforcement notice and stop notice, served in relation to land in their district:—

(a) the address of the land to which the notice relates, or a plan by reference to which its situation may be ascertained;

(b) the name of the authority serving the notice;

(c) the date of service of the notice;

(d) the names of the persons on whom the notice is served;

(**a**) Sections 63A, 85(2) and 93(2) were substituted respectively by paragraphs 18, 20*(b)* and 27*(b)* of Schedule 2 to the Local Government and Planning (Scotland) Act 1982.

(e) in the case of a waste land notice, a statement or summary of the circumstances giving rise to the notice;

(f) in the case of an enforcement notice, a statement or summary of the breach of planning control alleged;

(g) in the case of a stop notice, a statement or summary of activity prohibited by any such stop notice with reference to the relevant enforcement notice;

(h) a statement or summary of the requirements of the notice, including the period within which any required steps are to be taken;

(i) the date specified in the notice on which it is to take effect;

(j) in the case of a waste land notice or an enforcement notice, information on any postponement of the date specified in the notice on which it is to take effect where an appeal has been made against the notice; and, if applicable, whether any correction or variation was made to the notice by the Secretary of State on appeal;

(k) if applicable, the date of the withdrawal of any stop notice with reference to the relevant enforcement notice;

(l) the date, if any, on which the planning authority are satisfied that the steps required under section 84(7) (restoration of land to an acceptable condition) (**a**) of the Act have been taken.

(2) The entry relating to any notice and everything related to such a notice shall be deleted from the register when the notice is either quashed by the Secretary of State following an appeal or withdrawn.

(3) Every register shall include an index for enabling a person to trace an entry in the register by reference to the address of the land to which the notice relates.

(4) Where a regional planning authority serve an enforcement notice or a stop notice they shall supply the information specified in paragraph (1) of this regulation to the district planning authority in whose district the land to which the notice relates is situated and shall inform the district planning authority of the quashing or withdrawal of any enforcement notice and the ceasing to have effect of any stop notice.

(5) The information specified in paragraph (1) of this regulation shall be entered in the register as soon as practicable and in any event within 9 days of the occurrence to which it relates and information shall be so supplied under paragraph (4) of this regulation that entries may be made within the said period of 9 days.

(6) Registers shall be kept at the office of every general and district planning authority:

Provided that so much of the register as relates to land in a part of the district of the authority may be kept at a place within or convenient to that part.

(7) References in this regulation to the Secretary of State shall be construed as including references to a person appointed by the Secretary of State under Schedule 7 to the Act to determine an appeal.

(**a**) Section 84(7) was substituted by paragraph 19*(c)* of Schedule 2 to the Local Government and Planning (Scotland) Act 1982 (c.43).

PART V

NOTICES ISSUED BY SECRETARY OF STATE

Application of regulations

8. These regulations shall apply with respect to enforcement notices, stop notices and listed building enforcement notices served by the Secretary of State under section 260(5) of the Act and to appeals made to the Secretary of State against such notices as they apply with respect to such notices served by planning authorities and to appeals made against them as if—

(a) for references to a planning authority there were substituted references to the Secretary of State;

(b) in regulation 3, and in regulation 4 where it first occurs, for "section 84" there were substituted "section 260(5)";

(c) in regulation 4, paragraph *(a)* for "sections 84 and 85" there were substituted "sections 84, 85 and 260(5)";

(d) for regulation 6 the following were substituted:—

"6. Where an appeal has been made to the Secretary of State against an enforcement notice or a listed building enforcement notice which he has served, the Secretary of State shall serve on the appellant a statement indicating the submissions which he proposes to put forward on the appeal including a summary of his response to each ground of appeal pleaded by the appellant.".

George Younger,
One of Her Majesty's Principal
Secretaries of State.

New St Andrew's House,
Edinburgh.
24th February 1984.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations contain provisions relating to the enforcement of planning control in consequence of amendments made by the Local Government and Planning (Scotland) Act 1982 to the Town and Country Planning (Scotland) Act 1972. They make provision for the first time for procedural matters in connection with the issuing of enforcement notices by planning authorities (Part II), for the procedure in relation to appeals against waste land notices, enforcement notices and listed building enforcement notices (Part III) and for the keeping of registers of waste land notices, enforcement notices and stop notices (Part IV).

Planning authorities are required to specify in an enforcement notice the reasons for issuing it and the precise boundary of the land to which it relates (regulation 3). An explanatory note is required to be included in an enforcement notice outlining the right of appeal and the procedures for making an appeal against the notice (regulation 4).

Regulation 5 provides that a person appealing against a waste land notice, an enforcement notice or a listed building enforcement notice must submit a statement specifying the grounds on which he is appealing at the same time as he gives notice of his appeal or within 28 days of the Secretary of State requiring him to do so. Regulation 6 requires a planning authority to provide to the Secretary of State and to the appellant within 28 days a statement of the submissions which they propose to put forward on the appeal.

Regulation 7 prescribes the information to be contained in the register of waste land notices, enforcement notices and stop notices required to be kept by every general and district planning authority and the manner in which the register is to be kept.

The regulations apply, subject to appropriate modifications, to enforcement notices, stop notices and listed building enforcement notices issued by the Secretary of State (regulation 8).

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