
STATUTORY INSTRUMENTS

1984 No. 995 (S.98)

TOWN AND COUNTRY PLANNING, SCOTLAND

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

Made - - - 13th July 1984

Laid before Parliament 23rd July 1984

Coming into Operation 12th August 1984

In exercise of the powers conferred on me by section 3(9) of the Town and Country Planning Act 1984(a), section 273 of the Town and Country Planning (Scotland) Act 1972(b) (as applied by section 6(4) of the Town and Country Planning Act 1984) and of all other powers enabling me in that behalf, I hereby make the following regulations:—

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

2. The provisions of the Town and Country Planning (Scotland) Act 1972 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.

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

New St. Andrew's House,
Edinburgh.
13th July 1984.

(a) 1984 c.10.

(b) 1972 c.52.

Regulation 2

SCHEDULE

Column (1) Provisions of the Town and Country Planning (Scotland) Act 1972	Column (2) Modifications
Section 84(7A)(b) and (10) Section 84(12)	None For the words “subsections (7) and (7A) above” substitute “sections 3(4) and 3(5) of the Town and Country Planning Act 1984”.
Section 85(10) and (11)	<p>1. In subsection (10) for the words “paragraphs (b) to (e) of subsection (1) of this section” substitute “section 3(7) of the Town and Country Planning Act 1984”</p> <p>2. In subsection (11) for paragraph (a) substitute — “(a) has occupied the land since before the special enforcement notice was served under section 3(2) of the Town and Country Planning Act 1984”</p>
Section 86	Omit the words “without the grant of planning permission”
Section 87	<p>1. In subsection (1) omit the words “a breach of planning control” and substitute “development”</p> <p>2. In subsection (4) for the words “section 84(7)(c) of this Act” substitute “section 3(5) of the Town and Country Planning Act 1984”</p> <p>3. In subsection (6) for the words “have an interest in” substitute “be occupying”; and for the words “breach of planning control” substitute “development”</p> <p>4. In subsection (9) for the words “section 84(5) of this Act” substitute “section 3(6) of the Town and Country Planning Act 1984”</p>
Section 87A	None
Section 89	In subsection (2) omit the words “to the extent that it is in contravention of Part III of this Act”
Section 89A	None
Section 166	<p>1. In subsection (2) for paragraphs (a) to (d) substitute — “(a) the special enforcement notice is quashed; (b) the allegation in the special enforcement notice on which the prohibition in the stop notice is dependent is not upheld by reason that the special enforcement notice is varied; (c) the special enforcement notice is withdrawn by the planning authority; (d) the stop notice is withdrawn”.</p> <p>2. In subsection (3) for the words “a breach of planning control” substitute “development”.</p>
Section 231(3)(f)	For the words “section 85 of this Act” substitute “section 3(7) of the Town and Country Planning Act 1984”.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

Section 3 of the Town and Country Planning Act 1984 empowers 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(9) applies to special enforcement notices certain of the provisions of section 85 of the Town and Country Planning (Scotland) Act 1972 relating to enforcement notices issued in respect of breaches of planning control and empowers the Secretary of State to apply other provisions of the 1972 Act with modifications. These regulations apply to special enforcement notices the provisions of the 1972 Act specified in the Schedule and adapt those provisions to such notices.

The provisions applied are: section 84(7A)(b) and 84(12) (which give 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 84(10) (which relates to the withdrawal of enforcement notices); section 85(10) and (11) (which restrict the right to question validity of notices otherwise than by way of appeal to the Secretary of State); section 86 (which specifies the penalties for non-compliance with an enforcement notice); sections 87 and 166 (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 planning authority); section 87A (which requires the keeping of a register of waste land, enforcement and stop notices); section 89 (which provides that an enforcement notice is to have effect against subsequent development); section 89A (which relates to the effect of subsequent planning permission on an enforcement notice); and section 231(3)(f) (which relates to the validity of the Secretary of State's decision on an enforcement notice appeal).

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