# 1990 No. 446

# PLANNING

## Planning (Special Enforcement Notices) Regulations (Northern Ireland) 1990

*Made* . . . . . *20th December 1990*

*Coming into operation* . . *1st February 1991*

The Department of the Environment(**a**), in exercise of the powers conferred by Article 97D(7)(**b**) of the Planning (Northern Ireland) Order 1972(**c**) and of all other powers enabling it in that behalf, hereby makes the following regulations:

*Citation and commencement*

**1.** These regulations may be cited as the Planning (Special Enforcement Notices) Regulations (Northern Ireland) 1990 and shall come into operation on 1st February 1991.

*Special enforcement notices*

**2.** The provisions of the Planning (Northern Ireland) Order 1972 specified in the Schedule shall apply to special enforcement notices and to appeals against such notices under Article 97D(6) of the Planning (Northern Ireland) Order 1972 as if the references in those provisions to an enforcement notice were references to a special enforcement notice and subject to the further modification specified in that Schedule.

Sealed with the Official Seal of the Department of the Environment on 20th December 1990.

(L.S.) *E. Hayes*

Assistant Secretary

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(**a**) Formerly Ministry of Development *see* S.R. & O. (N.I.) 1973 No. 504 Art. 7(1); S.I. 1976/424 (N.I. 6) Art. 3(1)

(**b**) As inserted by Article 25 of the Planning and Building Regulations (Amendment) (Northern Ireland) Order 1990 (S.I. 1990/1510 (N.I. 14))

(**c**) S.I. 1972/1634 (N.I. 17)

SCHEDULE

| *Provisions of the Planning (Northern Ireland) Order 1972 applied* | *Modifications* |
|---|---|
| Article 42(14) and (15)(**a**) | None |
| Article 43(8)(**b**) | For the words ''this Article'' substitute ''Article 97D(6)''. |
| Article 43(9)(**b**) | For sub-paragraph (*a*) substitute—<br>''(*a*) has occupied the land since before the special enforcement notice was issued under Article 97D(2);'' |
| Article 44(**c**) | In paragraph (1) for the word ''owner'' substitute the word ''occupier''.<br>Omit paragraphs (2) and (3). |
| Article 45(**d**) | In paragraph (1)—<br>(*a*) in sub-paragraph (*a*), omit the words ''requiring a breach of planning control to be remedied''; and<br>(*b*) in sub-paragraph (*b*) for the words ''the breach'', substitute the word ''development''.<br>In sub-paragraph (*d*) of paragraph (4), for the words ''a breach of planning control'', substitute the word ''development''.<br>In paragraph (5), for the words ''to have an estate in'' substitute the words ''to be occupying''.<br>In paragraph (7B), for ''Article 42(5)'', substitute ''Article 97D(5)''. |
| Article 47(**e**) | None |
| Article 48(**e**) | In paragraph (2) omit the words ''to the extent that it is in contravention of Part IV''.<br>In paragraph (3), omit all the words after ''were demolished or altered''.<br>Omit paragraph (4). |

(**a**) As substituted by S.I. 1982/1537 (N.I. 20) Art. 7
(**b**) As substituted by S.I. 1982/1537 (N.I. 20) Art. 8
(**c**) As amended by S.I. 1981/437 (N.I. 13) Art. 11; S.I. 1982/1537 (N.I. 20) Art. 19(2) Sch. 1; S.I. 1990/1510 (N.I. 14) Art. 30(1) Sch. 1. The penalties in Articles 44(1) and (5)(*a*) are level 5 on the standard scale (£2,000) by virtue of S.I. 1984/703 (N.I. 3) and S.R. 1984 No. 253. The maximum daily penalties in Article 44(4) and (5)(*b*) are one-tenth of level 5 on the standard scale (£200) by virtue of S.I. 1990/1510 (N.I. 14) Art. 13
(**d**) As amended by S.I. 1978/1048 (N.I. 18) Art. 11; S.I. 1981/437 (N.I. 13) Art. 11; S.I. 1982/1537 (N.I. 20) Art. 19(2) Sch. 1. The maximum penalty in Article 45(7) is level 5 on the standard scale (£2,000) by virtue of S.I. 1984/703 (N.I. 3) and S.R. 1984 No. 253. The maximum daily penalty in Article 45(7) is one-tenth of level 5 on the standard scale (£200) by virtue of S.I. 1990/1510 (N.I. 14) Art. 13
(**e**) As amended by S.I. 1982/1537 (N.I. 20) Art. 19(2) Sch. 1. The penalty in Article 48(5) is level 5 on the standard scale (£2,000) by virtue if S.I. 1984/703 (N.I. 3); S.R. 1984 No. 253