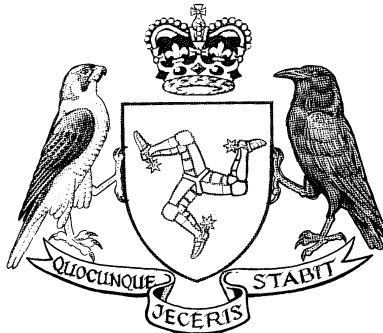


**TOWN AND COUNTRY PLANNING
(AMENDMENT) ACT 2008**

Arrangement of Sections

Section

1. Amendment of the Town and Country Planning Act 1999
2. Short title



Isle of Man } Signed in Tynwald: 15th July 2008
to Wit } Received Royal Assent: 16th July 2008
Announced to Tynwald: 16th July 2008

AN ACT

to amend the Town and Country Planning Act 1999; and for connected purposes.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows:—

1. (1) Part 4 of the Town and Country Planning Act 1999 (enforcement of planning control) is amended as follows.

Amendment
of the Town
and Country
Planning Act
1999

(2) In section 37(2) (which concerns the scope of injunctions) —

[c. 9]

(a) after “purpose of” insert “— (a)”; and

(b) at the end add —

“; and

(b) in the case of an actual breach or contravention, restoring the land or the registered building to the state in which it would have been but for the breach or contravention.”.

(3) After section 39 insert —

“Additional powers of court on conviction **39A.** (1) This section applies where any person is convicted of an offence committed (after it comes into operation) under —

(a) section 23 (breach of planning control);

(b) section 29 (breach of registered building control); or

(c) section 35 (breach of advertisement control).

(2) Where this section applies, the court by which a person is sentenced may, in addition to any penalty imposed for the offence, make such of the orders specified in subsections (3) to (5) as is appropriate in the circumstances of the case.

(3) If the offence relates to a development, the court may order the person convicted, within such period as the court specifies —

(a) to cease any development to which the conviction relates;

(b) to remove any building done or other works carried out in connection with that development;

(c) to restore any land affected by such development to its original condition;

(d) to do such other things in relation to such land as the court considers proper in the circumstances.

(4) If the offence relates to demolition of, or damage to, a registered building, or the alteration or extension of a registered building in a way which affects its character as a building of special architectural or historic interest, the court may order the person convicted, within such period as the court specifies —

(a) to restore the building to its former state;

(b) where the Department considers such restoration would not be reasonably practicable, or would be undesirable, to execute such other works as may be necessary to alleviate the effect of the works carried out without registered building consent;

(c) to bring the building to the state in which it would have been if the terms and conditions of any registered building consent which had been granted had been met.

(5) If the offence is one committed under section 35 and relates to an advertisement displayed in contravention of regulations under section 22, the court may order the person convicted, within such time as the court specifies, to remove or obliterate the advertisement.

(6) Subsection (7) applies if the person convicted fails to comply with an order —

- (a) under subsection (3) which required that person to do any act; or
- (b) under subsection (4) or (5).

(7) If this subsection applies the court may authorise the Department—

- (a) to do whatever the person convicted has failed to do; and
- (b) to recover the costs of so doing from the person convicted.

(8) The Department may recover the costs mentioned in subsection (7)(b) summarily as a civil debt.”.

2. This Act may be cited as the *Town and Country Planning (Amendment) Act 2008*. Short title

