

Fixed Penalty Notice - Breach of Planning Enforcement Notice

- **FIXED PENALTY NOTICE**

(Sections 136A and 145A of the Town and Country Planning (Scotland) Act 1997)

This may be served as an alternative to seeking prosecution where the terms of a notice have not been complied with. The penalties are £2,000 (£1,500 if paid within 15 days) for non-compliance with an Enforcement Notice and £300 (£225 if paid within 15 days) for non-compliance with a Breach of Condition Notice. Failure to pay a Fixed Penalty fine may result in the case being referred to the Procurator Fiscal for possible prosecution.

- **LISTED BUILDING FIXED PENALTY NOTICE**

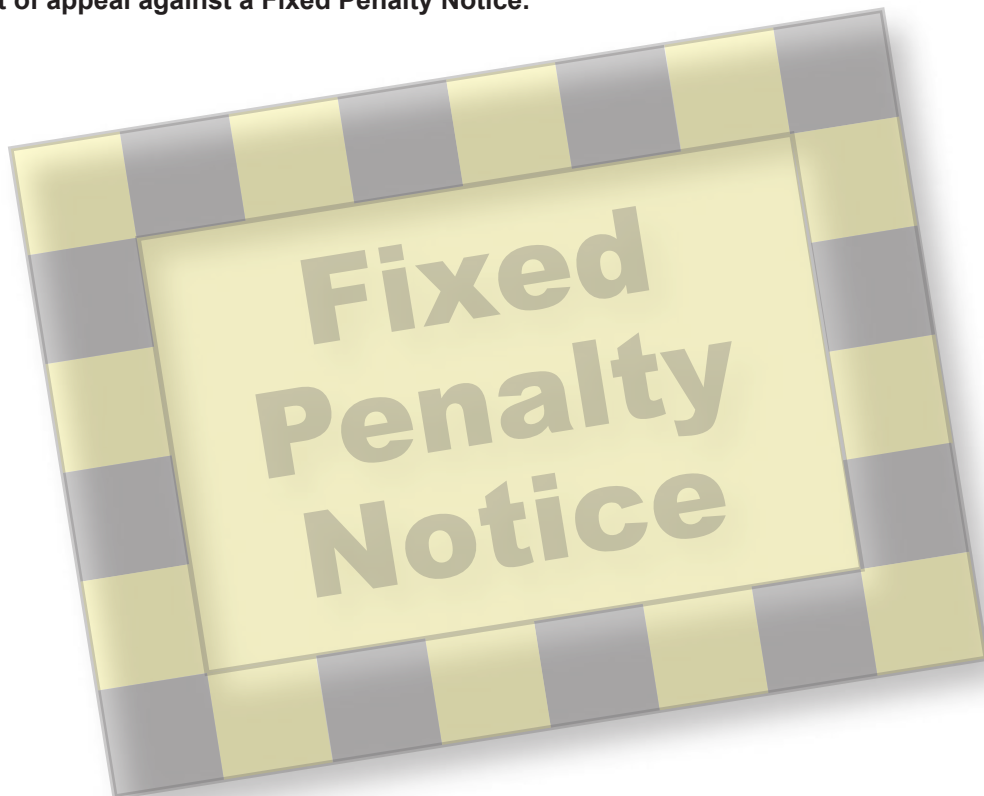
(Section 39A(5) and (13) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997)

For Listed Building Enforcement Notices the penalties are £2,000, £3,500 for a 2nd breach and £5,000 for 3rd and subsequent breaches. Failure to pay a Listed Building Fixed Penalty fine may result in the case being referred to the Procurator Fiscal for possible prosecution.

- **FAILURE TO PAY**

Failure to pay a Fixed Penalty Notice within 15 days from the date of an Enforcement Notice served will result in the fixed penalty increasing from £1,500 to £2,000, as set out in The Town and Country Planning (Amount of Fixed Penalty) (Scotland) Regulations 2009. If you choose to pay in increments, any default in payments will lead to legal action by the Council to recover the debt.

There is no right of appeal against a Fixed Penalty Notice.



If no payment at all is received in relation to the Fixed Penalty Notice within 30 days, you will be liable to legal proceedings. Payment discharges legal proceedings but does not nullify the Enforcement Notice. This will remain registered against your land/property and its requirements will hold until the required works are undertaken.