

DAMAGING A LISTED BUILDING

Planning (NI) Order 1991

49. - (1) Where a building, not being a building excluded by paragraph (8) of Article 44 from the operation of that Article, is included in a list compiled under Article 42, then, if any person who, but for this Article, would be entitled to do so-
- (a) does or permits the doing of any act which causes or is likely to result in damage to the building (other than an act for the execution of excepted works); and
 - (b) does or permits the act with the intention of causing such damage;
- he shall be guilty of an offence ...
- (2) In paragraph (1) "excepted works" means-
- (a) works authorised by planning permission granted in pursuance of an application under this Order; or
 - (b) works for which listed building consent has been given under this Order.
- (3) Where a person convicted under this Article fails to take such reasonable steps as may be necessary to prevent any damage or further damage resulting from the offence, he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding one-tenth of level 3 on the standard scale for each day on which the failure continues.

Maximum Sentence:

Planning (NI) Order 1991, Art.49(1)
Summary only: Level 3 Fine (£1,000)

Assessment of Offence

(Starting points and ranges based on 1st time offender convicted following contest)

<u>Nature of Offence</u>	<u>Starting Point</u>	<u>Sentencing Range</u>
N/A	Fine	Fine

<u>Examples of Possible Aggravating Factors of Offence</u>	<u>Examples of Possible Mitigating Factor of Offence</u>
<ol style="list-style-type: none">1. Offence committed for financial gain (whether profit or cost-saving)2. Inability to re-instate works carried out3. Nature of offence has necessitated the listed building being demolished	<ol style="list-style-type: none">1. Re-instatement (as far as possible) of original works has been undertaken by the offender

Relevant Cases:

NI Cases:
N/A

English Cases
N/A

Notes: