



Planning (Listed Buildings and Conservation Areas) Act 1990

1990 CHAPTER 9

PART III

GENERAL

Miscellaneous provisions

88 Rights of entry.

- (1) Any person duly authorised in writing by the Secretary of State may at any reasonable time enter any land for the purpose of surveying any building on it [^{F1}or any other land] in connection with a proposal to include the building in, or exclude it from, a list compiled or approved under section 1.
- (2) Any person duly authorised in writing by the Secretary of State, a local planning authority or, where the authorisation relates to a building situated in Greater London, the Commission may at any reasonable time enter any land for any of the following purposes—
 - (a) surveying it [^{F2}or any other land] in connection with any proposal by the authority or the Secretary of State to make, issue or serve any order or notice under any of the provisions of sections 1 to 26, 38, 40, 46, 54, 55, 60, 68, 75 or 76 or under any order or regulations made under any of them, or any notice under section 48;
 - (b) ascertaining whether any such order or notice has been complied with [^{F3}in relation to the land or any other land];
 - (c) ascertaining whether an offence has been, or is being, committed with respect to any building on the land [^{F4}or any other land], under section 9, 11 [^{F5}, 26J] or 43;
 - (d) ascertaining whether any [^{F6}building on the land or any other land] is being maintained in a proper state of repair.

Changes to legislation: Planning (Listed Buildings and Conservation Areas) Act 1990, Section 88 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (3) Any person duly authorised in writing by the Secretary of State, a local authority or, where the authorisation relates to a building situated in Greater London, the Commission may at any reasonable time enter any land for any of the following purposes—
- (a) ascertaining whether an offence has been or is being committed under section 59 [^{F7}in relation to the land or any other land];
 - (b) ascertaining whether any of the functions conferred by section 54 should or may be exercised in connection with the land [^{F8}or any other land]; or
 - (c) exercising any of those functions in connection with the land [^{F8}or any other land].
- [^{F9}(3A) Any person duly authorised in writing by a local planning authority in Wales may at any reasonable time enter any land for any of the following purposes—
- (a) securing the display of a temporary stop notice (see section 44B);
 - (b) ascertaining whether a temporary stop notice is being complied with;
 - (c) considering any claim for compensation under section 44D.]
- (4) Any person who is an officer of the Valuation Office or is duly authorised in writing by a local planning authority may at any reasonable time enter any land for the purpose of surveying it, or estimating its value, in connection with a claim for compensation payable by the authority under section ^{F10} . . . 28 [^{F11}, 28B][^{F12}, 29 or 44D] in respect of any land.
- ^{F13}(5)
- (6) Subject to [^{F14}section 88B(8)], any power conferred by this section to survey land shall be construed as including power to search and bore for the purpose of ascertaining the nature of the subsoil ^{F15}
- ^{F16}(7)

Textual Amendments

- F1** Words in s. 88(1) inserted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 25, **Sch. 3 Pt. I para. 9(1)(a)**; S.I. 1991/2905, **art.3**
- F2** Words in s. 88(2)(a) inserted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 25, **Sch. 3 Pt. I para. 9(1)(b)**; S.I. 1991/2905, **art.3**
- F3** Words in s. 88(2)(b) inserted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 25, **Sch. 3 Pt. I para. 9(1)(c)**; S.I. 1991/2905, **art.3**
- F4** Words in s. 88(2)(c) inserted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 25, **Sch. 3 Pt. I para. 9(1)(d)**; S.I. 1991/2905, **art.3**
- F5** Word in s. 88(2)(c) inserted (6.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 17 para. 16**; S.I. 2014/416, art. 3(e)
- F6** Words in s. 88(2)(d) substituted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 25, **Sch. 3 Pt. I para. 9(1)(e)**; S.I. 1991/2905, **art.3**
- F7** Words in s. 88(3)(a) inserted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 25, **Sch. 3 Pt. I para. 9(1)(f)**; S.I. 1991/2905, **art.3**
- F8** Words in s. 88(3)(b) and (c) inserted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 25, **Sch. 3 Pt. I para. 9(1)(g)**; S.I. 1991/2905, **art.3**
- F9** S. 88(3A) inserted (21.5.2016) by Historic Environment (Wales) Act 2016 (anaw 4), **ss. 29(4)**, 41(2)
- F10** S. 88(4): "27" repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **ss. 31(4)**, 84(6) and 84(4), Schs. 6 para. 46, 19 Pt. II; S.I. 1991/2067, **art. 3**

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- F11** Word in s. 88(4) inserted (31.5.2017) by Historic Environment (Wales) Act 2016 (anaw 4), **ss. 26(13), 41(3)**; S.I. 2017/633, art. 4(c) (with art. 6(2)(3))
- F12** Words in s. 88(4) substituted (21.5.2016) by Historic Environment (Wales) Act 2016 (anaw 4), **ss. 29(5), 41(2)**
- F13** S. 88(5) omitted (13.7.2016) by virtue of Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 14 para. 20**; S.I. 2016/733, reg. 3(h) (with reg. 6)
- F14** Words in s. 88(6) substituted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 25, **Sch. 3 Pt. II para.25**; S.I. 1991/2905, **art.3**
- F15** Words in s. 88(6) repealed (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **ss. 25, 84(6)** Schs. 3 Pt. II para. 25, 19 Pt.I; S.I. 1991/2905, **art.3 Sch. 2**
- F16** For s. 88(7) there is substituted (2.1.1992) ss. 88A and 88B by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 25, **Sch. 3 Pt. I para. 9(2)**; S.I. 1991/2905, **art.3**

Modifications etc. (not altering text)

- C1** Chs. I, II (ss. 1-26) and IV (ss. 38-44) of Pt. I, ss. 54-56, 59-61, 66, 68-72, 74-76 and 88: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(b)**; S.I. 1993/2762, **art.3**.
S. 88 extended (19.9.1995) by 1995 c. 25, ss. 70, 125(2), **Sch. 9 para. 13(5)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)
- C2** S. 88 applied in part (Isles of Scilly) (with modifications) (2.10.2013) by The Town and Country Planning (Isles of Scilly) Order 2013 (S.I. 2013/2148), arts. 1(1), 3, **Sch. 1** (with art. 1(2))
- C3** S. 88 applied (1.1.2022) by The Listed Buildings (Heritage Partnership Agreements) (Wales) Regulations 2021 (S.I. 2021/1177), reg. 1, **Sch.**
- C4** S. 88(5) amended (19.9.1995) by 1995 c. 25, ss. 70, 125(2), **Sch. 9 para. 13(1)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 88(2)(a) word inserted by 2016 anaw 4 s. 31(3)(a)
- s. 88(2)(c) words inserted by 2016 anaw 4 s. 31(3)(b)
- s. 88(3A) omitted by 2023 asc 3 Sch. 13 para. 148(a)
- s. 88(3A)(a) words substituted by 2023 c. 55 s. 103(10)(b)(i)
- s. 88(3A)(b) words inserted by 2023 c. 55 s. 103(10)(b)(ii)
- s. 88(4) word inserted by 2023 c. 55 s. 103(10)(c)
- s. 88(4) words substituted by 2023 asc 3 Sch. 13 para. 148(b)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 3(1A)(1B) inserted by 2023 c. 55 s. 105(2)
- s. 12(4A) inserted by 2008 c. 29 Sch. 10 para. 16
- s. 16(2A) inserted by 2023 c. 55 s. 102(3)
- s. 17(4) inserted by 2023 c. 55 s. 124(4)
- s. 22(2A) inserted by 2008 c. 29 Sch. 10 para. 18(2)
- s. 40(2A) inserted by 2008 c. 29 Sch. 10 para. 19
- s. 44AA-44AC inserted by 2023 c. 55 s. 103(2)
- s. 46(1A) inserted by 2023 c. 55 s. 103(8)(a)
- s. 46(3A) inserted by 2023 c. 55 s. 103(8)(c)
- s. 49(1) s. 49 renumbered as s. 49(1) by 2023 asc 3 Sch. 13 para. 127(b)
- s. 49(2) inserted by 2023 asc 3 Sch. 13 para. 127(c)
- s. 54(8) inserted by 2023 c. 55 s. 104(2)(c)
- s. 55(2A) inserted by 2023 c. 55 s. 104(3)(a)
- s. 55(5H)(5I) inserted by 2023 c. 55 s. 104(3)(f)
- s. 55(5BA) inserted by 2023 c. 55 s. 104(3)(d)
- s. 56A and cross-heading inserted by 2016 anaw 4 s. 31(1)
- s. 66(1A) inserted by 2023 c. 55 s. 102(4)(a)
- s. 66(2A) inserted by 2023 c. 55 s. 102(4)(b)
- s. 66(5) inserted by 2023 asc 3 Sch. 13 para. 136
- s. 82A(2)(fza) inserted by 2023 c. 55 s. 103(9)
- s. 82A(2)(ha) inserted by 2016 anaw 4 s. 31(2)
- s. 88(3ZA) inserted by 2023 c. 55 s. 103(10)(a)
- s. 88B(1ZA) inserted by 2023 c. 55 s. 103(11)
- s. 89(1ZA) inserted by 2008 c. 29 Sch. 10 para. 22
- s. 89(1ZC) inserted by 2023 c. 55 s. 124(5)(b)
- s. 93(5A) inserted by 2008 c. 29 Sch. 10 para. 23(3)
- s. 93(5A) words inserted by 2013 c. 24 Sch. 17 para. 18(3)
- Sch. 2 para. 4A inserted by 2023 c. 55 s. 103(12)(b)
- Sch. 3 para. 2(4A) inserted by 2008 c. 29 Sch. 10 para. 24(2)
- Sch. 3 para. 2(9) inserted by 2008 c. 29 Sch. 10 para. 24(3)
- Sch. 3 para. 3(4A)(4B) inserted by 2008 c. 29 Sch. 10 para. 24(4)
- Sch. 3 para. 6(1A) inserted by 2008 c. 29 Sch. 10 para. 24(6)