



# 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 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 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;
  - (c) ascertaining whether an offence has been, or is being, committed with respect to any building on the land, under section 9, 11 or 43;
  - (d) ascertaining whether any such building is being maintained in a proper state of repair.
- (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;
  - (b) ascertaining whether any of the functions conferred by section 54 should or may be exercised in connection with the land; or
  - (c) exercising any of those functions in connection with the land.
- (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 27, 28 or 29 in respect of any land.
- (5) Any person who is an officer of the Valuation Office or is duly authorised in writing by a local authority having power to acquire land under sections 47 to 52 may at any reasonable time enter any land for the purpose of surveying it, or estimating its value, in connection with any proposal to acquire that land or any other land or in connection with any claim for compensation in respect of any such acquisition.
- (6) Subject to subsection (7), 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 or the presence of minerals in it.
- (7) Section 325 of the principal Act (supplementary provisions as to rights of entry) applies in relation to this section as it applies in relation to section 324 of that Act taking the reference in section 325(8) to section 324(8) as a reference to subsection (6) of this section.

## **89 Application of certain general provisions of principal Act**

- (1) Subject to subsection (2), the following provisions of the principal Act shall apply for the purposes of this Act as they apply for the purposes of that Act, namely—
- section 320 (local inquiries),
  - section 322 (orders as to costs of parties where no inquiry held),
  - section 323 (procedure on certain appeals and applications),
  - section 329 (service of notices),
  - section 330 (power to require information as to interests in land),
  - section 331 (offences by corporations).
- (2) Section 331 of that Act shall not apply to offences under section 59 of this Act.

## **90 Financial provisions**

- (1) Where—
- (a) compensation is payable by a local authority under this Act in consequence of any decision or order given or made under Chapters I, II or IV of Part I or sections 32 to 37, 60 or Schedule 3; and
  - (b) the decision or order in consequence of which it is payable was given or made wholly or partly in the interest of a service which is provided by a government department and the cost of which is defrayed out of money provided by Parliament,

the Minister responsible for the administration of that service may pay that authority a contribution of such amount as he may with the consent of the Treasury determine.

- (2) Any local authority and any statutory undertakers may contribute towards any expenses incurred by a local planning authority in or in connection with the performance of any of their functions under the provisions of Chapters I to V of Part I (other than sections 27 to 31, 53, 54, 55, 57, 58) and sections 66 and 68 and Schedule 1.
- (3) Where any expenses are incurred by a local authority in the payment of compensation payable in consequence of anything done under Chapters I, II or IV of Part I or sections 32 to 37, 56, 59, 60, 66(1), 67, 68 or 73, the Secretary of State may, if it appears to him to be expedient to do so, require any other local authority to contribute towards those expenses such sum as appears to him to be reasonable, having regard to any benefit accruing to that authority by reason of the proceeding giving rise to the compensation.
- (4) For the purposes of subsections (2) and (3), contributions made by a local planning authority towards the expenditure of a joint advisory committee shall be deemed to be expenses incurred by that authority for the purposes for which that expenditure is incurred by the committee.
- (5) The council of a county may direct that any expenses incurred by them under the provisions specified in subsection (6) shall be treated as special expenses of a county council chargeable upon such part of the county as may be specified in the directions.
- (6) Those provisions are—
  - (a) sections 1(1) to (5), 2(1) to (3), 51, 52, 64, 65, 66(2), 82(1) and (4)(b), 83, 86 (except subsection (2)(a)), 87, 88 (except subsection (3)) and subsections (1) to (4) of this section and any other provisions of the planning Acts in so far as they apply, or have effect for the purposes of, any of those provisions; and
  - (b) sections 1(6), 3, 4, 5, 7 to 29, 32 to 50 (except 39(6) and 42(6)), 60(1) to (4), 61, 66(1), 67(2)(b), (6) and (7), 73(1) (so far as it applies to section 67(2)(b), (6) and (7)), 82(2), (3) and (4)(a) and Schedules 1, 2 and 3.
- (7) There shall be paid out of money provided by Parliament—
  - (a) any sums necessary to enable the Secretary of State to make any payments becoming payable by him under sections 27 to 29;
  - (b) any expenses incurred by any government department (including the Secretary of State) in the acquisition of land under sections 47 to 52 or in the payment of compensation under section 51(4) or 88(7) or under subsection (1);
  - (c) any administrative expenses incurred by the Secretary of State for the purposes of this Act.
- (8) Any sums received by the Secretary of State under this Act shall be paid into the Consolidated Fund.