



Housing and Regeneration Act 2008

2008 CHAPTER 17

PART 1

THE HOMES AND COMMUNITIES AGENCY

CHAPTER 2

LAND AND INFRASTRUCTURE

Other powers etc. in relation to land

17 Power to enter and survey land

- (1) Any person authorised by the HCA may, at any reasonable time and subject as follows, enter any land for the purpose of surveying it, or estimating its value, in connection with—
 - (a) any proposal for the HCA to acquire that land or any other land, or
 - (b) any claim for compensation in respect of any such acquisition.
- (2) A person authorised under subsection (1) to enter any land—
 - (a) must, if required, produce evidence of the authority before entering the land, and
 - (b) must not demand admission as of right to the land unless the HCA has served notice of the intended entry on every owner or occupier of the land not less than 28 days before the making of the demand.
- (3) A notice under subsection (2)(b) must—
 - (a) state the purpose for which entry is required, and
 - (b) inform the person to whom it is given of the person's rights under this section and, if applicable, section 18.
- (4) A person interested in any land may recover compensation from the HCA in respect of any damage done to the land—

Status: This is the original version (as it was originally enacted).

- (a) in the exercise of a right of entry under this section, or
 - (b) in making a survey under this section.
- (5) Section 118 of the Town and Country Planning Act 1990 (c. 8) (determination of claims for compensation) applies in relation to compensation under subsection (4) as it applies in relation to compensation under Part 4 of that Act.
- (6) A person (“A”) commits an offence if A intentionally obstructs another person (“B”) in the exercise of B’s powers under subsection (1) above.
- (7) A person who commits an offence under subsection (6) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (8) In subsection (2)(b) “owner” has the same meaning as in the Acquisition of Land Act 1981 (c. 67).
- (9) The references in subsections (4) and (6) to this section or subsection (1) include references to those provisions as extended by section 18.

18 Section 17: supplementary

- (1) The power to survey land conferred by section 17(1) includes power to search and bore for the purpose of ascertaining—
- (a) the nature of the subsoil, or
 - (b) the presence of minerals in it.
- (2) But this is subject to subsections (3) to (5).
- (3) No person may carry out any works authorised by virtue of subsection (1) unless notice of the person’s intention to do so was included in the notice required by section 17(2) (b).
- (4) The authority of the appropriate Minister is required for the carrying out of any works authorised by virtue of subsection (1) if—
- (a) the land concerned is held by statutory undertakers, and
 - (b) they object to the proposed works on the ground that the execution of the works would be seriously detrimental to carrying on their undertaking.
- (5) The references in subsection (4) to the appropriate Minister, statutory undertakers and their undertaking have the same meanings as they have in section 325(9) of the Town and Country Planning Act 1990 (c. 8) (supplementary provisions as to rights of entry).