

## SCHEDULES

### SCHEDULE 14

Section 179

#### RIGHT TO ENTER AND SURVEY LAND: CONSEQUENTIAL AMENDMENTS

##### *Defence Act 1842 (5 & 6 Vict c. 94)*

1 In section 16 of the Defence Act 1842, at the end insert—

“(3) A person may not be authorised under subsection (1) to enter and survey or value land in England and Wales in connection with a proposal to acquire an interest in or a right over land (but see section 172 of the Housing and Planning Act 2016).”

##### *Coast Protection Act 1949 (12 & 13 Geo 6 c. 74)*

2 In section 25 of the Coast Protection Act 1949, after subsection (1) insert—

“(1A) A person may not be authorised under subsection (1) to enter and survey or value land in England and Wales in connection with a proposal to acquire an interest in or a right over land (but see section 172 of the Housing and Planning Act 2016).”

##### *National Parks and Access to the Countryside Act 1949 (12, 13 & 14 Geo 6 c. 97)*

3 (1) Section 108 of the National Parks and Access to the Countryside Act 1949 is amended as follows.

(2) In subsection (1)(a), after “therein” insert “in relation to land in Scotland”.

(3) After subsection (1) insert—

“(1A) A person may not be authorised under subsection (1) to enter and survey or value land in England and Wales in connection with a proposal to acquire an interest in or a right over land (but see section 172 of the Housing and Planning Act 2016).”

##### *Land Powers (Defence) Act 1958 (6 & 7 Eliz 2 c. 30)*

4 In section 21 of the Land Powers (Defence) Act 1958, after subsection (1) insert—

“(1A) A person may not be authorised under subsection (1) to enter and survey or value land in England and Wales in connection with a proposal to acquire an interest in or a right over land (but see section 172 of the Housing and Planning Act 2016).”

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*Caravan Sites and Control of Development Act 1960 (8 & 9 Eliz 2 c. 62)*

5 In section 26 of the Caravan Sites and Control of Development Act 1960, after subsection (1) insert—

“(1A) A person may not be authorised under subsection (1) to enter and survey or value land in England and Wales in connection with a proposal to acquire an interest in or a right over land (but see section 172 of the Housing and Planning Act 2016).”

*Compulsory Purchase Act 1965 (c. 56)*

6 In section 11(3) of the Compulsory Purchase Act 1965 for “surveying and taking levels” substitute “surveying, valuing or taking levels”.

*Criminal Justice Act 1972 (c. 71)*

7 In the Criminal Justice Act 1972 omit section 60.

*Welsh Development Agency Act 1975 (c. 70)*

8 In Schedule 4 to the Welsh Development Agency Act 1975 omit paragraph 14(1).

*Local Government (Miscellaneous Provisions) Act 1976 (c. 57)*

9 In the Local Government (Miscellaneous Provisions) Act 1976 omit section 15.

*Ancient Monuments and Archaeological Areas Act 1979 (c. 46)*

10 In section 43 of the Ancient Monuments and Archaeological Areas Act 1979, for subsection (1) substitute—

“(1) Any person authorised under this section may at any reasonable time enter any land in Scotland for the purpose of surveying it, or estimating its value, in connection with any proposal to acquire that or any other land under this Act or in connection with any claim for compensation under this Act in respect of any such acquisition.

(1A) Any person authorised under this section may at any reasonable time enter any land in England and Wales or Scotland for the purpose of surveying it, or estimating its value, in connection with any claim for compensation under this Act for any damage to that or any other land.

(1B) See section 172 of the Housing and Planning Act 2016 for a power to enter and survey or value land in England and Wales in connection with a proposal to acquire an interest in or a right over land.”

*Local Government, Planning and Land Act 1980 (c. 65)*

11 (1) Section 167 of the Local Government, Planning and Land Act 1980 is amended as follows.

(2) In the heading, after “land” insert “in Scotland”.

(3) In subsection (1)—

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- (a) in paragraph (a) after “any land” insert “in Scotland”;
- (b) in paragraph (b) after “other land” insert “in Scotland”.

(4) In subsection (7)—

- (a) for the words before paragraph (a) substitute “Where it is proposed to search or bore in pursuance of this section in a road within the meaning of Part 4 of the New Roads and Street Works Act 1991—”;
- (b) in paragraph (a) omit “55 or”;
- (c) in paragraph (b) omit “69 or”;
- (d) in paragraph (c) omit “82 or”;
- (e) for the words after paragraph (c) substitute “have effect in relation to the searching or boring as if they were road works within the meaning of Part 4 of that Act.”

(5) In subsection (9)—

- (a) for “Upper Tribunal” substitute “Lands Tribunal for Scotland”;
- (b) for the words from “section 4” to “costs” substitute “sections 9(2) to (5) and 11 of the Land Compensation (Scotland) Act 1963 (procedure and expenses)”.

(6) Omit subsection (13).

*Highways Act 1980 (c. 66)*

12 In section 289 of the Highways Act 1980, after subsection (1) insert—

“(1A) A person may not be authorised under subsection (1) to enter and survey or value land in connection with a proposal to acquire an interest in or a right over land (but see section 172 of the Housing and Planning Act 2016).”

*New Towns Act 1981 (c. 64)*

13 In section 73(1) of the New Towns Act 1981 omit paragraph (b) (and the “or” before it).

*Civil Aviation Act 1982 (c. 16)*

14 (1) Section 50 of the Civil Aviation Act 1982 is amended as follows.

(2) In subsection (1), for paragraph (e) substitute—

- “(e) in any case not falling within paragraphs (a) to (d) above where the Secretary of State has made an order under or in pursuance of this Part of this Act—
  - (i) authorising the compulsory purchase of land,
  - (ii) providing for the creation in favour of a particular person of a right in or in relation to land, or
  - (iii) declaring that an area of land shall be subject to control by directions.
- (f) in any case not falling within paragraphs (a) to (d) above where the Secretary of State is considering making an order under or in pursuance of this Part of this Act—

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- (i) authorising the compulsory purchase of land in Scotland or Northern Ireland,
- (ii) providing for the creation in favour of a particular person of a right in or in relation to land in Scotland or Northern Ireland, or
- (iii) declaring that an area of land in England and Wales, Scotland or Northern Ireland shall be subject to control by directions.”

(3) In subsection (3)(e), after “(1)(e)” insert “or (f)”.

(4) In subsection (4)(b), after “(1)(e)” insert “or (f)”.

(5) In subsection (7)(c), after “(1)(e)” insert “or (f)”.

*Industrial Development Act 1982 (c. 52)*

15 In section 14 of the Industrial Development Act 1982 omit subsection (6).

*Housing Act 1985 (c. 68)*

16 In section 54 of the Housing Act 1985, after subsection (2) insert—

“(3) A person may not be authorised by a local housing authority under subsection (1)(a) to enter and survey or value land in connection with a proposal to acquire an interest in or a right over land (but see section 172 of the Housing and Planning Act 2016).”

*Local Government and Housing Act 1989 (c. 42)*

17 In section 97 of the Local Government and Housing Act 1989, after subsection (1) insert—

“(1A) A person may not be authorised by a local housing authority under subsection (1)(a) to enter and survey or value land in connection with a proposal to acquire an interest in or a right over land (but see section 172 of the Housing and Planning Act 2016).”

*Electricity Act 1989 (c. 29)*

18 In Schedule 4 to the Electricity Act 1989, in paragraph 10, after sub-paragraph (1) insert—

“(1A) A person may not be authorised under sub-paragraph (1) to enter and survey or value land in England and Wales in connection with a proposal to acquire an interest in or a right over land (but see section 172 of the Housing and Planning Act 2016).”

*Town and Country Planning Act 1990 (c. 8)*

19 In section 324 of the Town and Country Planning Act 1990 omit subsection (6).

*Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)*

- 20 In section 88 of the Planning (Listed Buildings and Conservation Areas) Act 1990 omit subsection (5).

*Land Drainage Act 1991 (c. 59)*

- 21 In section 64 of the Land Drainage Act 1991, after subsection (1) insert—
- “(1A) A person may not be authorised under subsection (1)(a) or (b) to enter and survey or value land in connection with a proposal to acquire an interest in or a right over land (but see section 172 of the Housing and Planning Act 2016).”

*Water Industry Act 1991 (c. 56)*

- 22 (1) Section 169 of the Water Industry Act 1991 is amended as follows.
- (2) In subsection (2) omit paragraph (a) (and the “or” at the end of it).
- (3) In subsection (4), for the words before paragraph (a) substitute “The powers conferred by this section or section 172 of the Housing and Planning Act 2016 shall not be exercised on behalf of a water undertaker in any case for purposes connected with the determination of—”.

*Water Resources Act 1991 (c. 57)*

- 23 (1) Section 171 of the Water Resources Act 1991 is amended as follows.
- (2) In subsection (2) omit paragraph (a) (and the “or” at the end of it).
- (3) In subsection (4), for the words before paragraph (a) substitute “The powers conferred by this section or section 172 of the Housing and Planning Act 2016 shall not be exercised on behalf of the Agency or the NRBW in any case for purposes connected with the determination of—”.

*Environment Act 1995 (c. 25)*

- 24 (1) Schedule 8 to the Environment Act 1995 is amended as follows.
- (2) In paragraph 1(2) omit paragraph (b).
- (3) In paragraph 2(3)—
- (a) at the end of paragraph (a) insert “and”;
- (b) omit paragraph (c) (and the “and” before it).

*Greater London Authority Act 1999 (c. 29)*

- 25 In the Greater London Authority Act 1999 omit section 333ZD.

*Postal Services Act 2000 (c. 26)*

- 26 In Schedule 6 to the Postal Services Act 2000, in paragraph 2, after sub-paragraph (2) insert—

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“(2A) A person may not be authorised under sub-paragraph (1) to enter and survey or value land in England and Wales in connection with a proposal to acquire an interest in or a right over land (but see section 172 of the Housing and Planning Act 2016).”

*Housing and Regeneration Act 2008 (c. 17)*

27        In the Housing and Regeneration Act 2008 omit sections 17 and 18.

*Localism Act 2011 (c. 20)*

28        In the Localism Act 2011 omit section 210.