
STATUTORY INSTRUMENTS

1994 No. 2716

The Conservation (Natural Habitats, &c.) Regulations 1994

PART V

SUPPLEMENTARY PROVISIONS

Supplementary provisions as to compulsory acquisition

Supplementary provisions as to acquisition of land

98.—(1) The powers of compulsory acquisition conferred on the appropriate nature conservation body by regulation 32 are exercisable in any particular case on their being authorised so to do by the Secretary of State.

(2) In that regulation and in this regulation “land” includes any interest in land.

For this purpose “interest”, in relation to land, includes any estate in land and any right over land, whether the right is exercisable by virtue of the ownership of an interest in land or by virtue of a licence or agreement, and in particular includes sporting rights.

(3) The Acquisition of Land Act 1981⁽¹⁾ applies in relation to any acquisition under these Regulations of land in England and Wales, and the Compulsory Purchase Act 1965⁽²⁾ applies with any necessary modifications in relation to the acquisition of any interest in land in England and Wales.

(4) In relation to the compulsory acquisition of land in Scotland, the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947⁽³⁾ shall apply as if these Regulations had been in force immediately before the commencement of that Act and as if in paragraph (a) of subsection (1) of section 1 thereof, in Part I of the First Schedule thereto and in the Second Schedule thereto references to a local authority included Scottish Natural Heritage:

Provided that section 2 of the said Act (which confers temporary powers for the speedy acquisition of land in urgent cases) shall not apply to any such compulsory acquisition as is mentioned in this paragraph.

The provisions of the Lands Clauses Acts incorporated with these Regulations by virtue of paragraph 1 of the Second Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947, as applied by this paragraph, shall apply with the necessary modifications in relation to the compulsory acquisition of any interest in land, being an interest not falling within the definition of “lands” contained in the Lands Clauses Acts.

Powers of entry

99.—(1) For the purpose of surveying land in connection with the acquisition thereof or of any interest therein, whether by agreement or compulsorily, in the exercise of any power conferred by

(1) 1981 c. 67.

(2) 1965 c. 56.

(3) 1947 c. 42.

these Regulations, a person duly authorised in writing by the authority having power so to acquire the land or interest may enter upon the land.

(2) A person authorised under this regulation to enter upon any land shall, if so required, produce evidence of his authority before entering.

(3) A person shall not under this regulation demand admission as of right to any land which is occupied unless at least 14 days' notice in writing of the intended entry has been given to the occupier.

(4) A person who intentionally obstructs a person in the exercise of his powers under this regulation commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.