

Changes to legislation: Housing and Planning Act 2016, SCHEDULE 14 is up to date with all changes known to be in force on or before 12 May 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

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).”

Commencement Information

I1 Sch. 14 para. 1 in force at 13.7.2016 by S.I. 2016/733, reg. 3(h) (with reg. 6)

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).”

Commencement Information

I2 Sch. 14 para. 2 in force at 13.7.2016 by S.I. 2016/733, reg. 3(h) (with reg. 6)

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).”

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Commencement Information

I3 Sch. 14 para. 3 in force at 13.7.2016 by S.I. 2016/733, reg. 3(h) (with reg. 6)

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).”

Commencement Information

I4 Sch. 14 para. 4 in force at 13.7.2016 by S.I. 2016/733, reg. 3(h) (with reg. 6)

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).”

Commencement Information

I5 Sch. 14 para. 5 in force at 13.7.2016 by S.I. 2016/733, reg. 3(h) (with reg. 6)

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 ”.

Commencement Information

I6 Sch. 14 para. 6 in force at 13.7.2016 by S.I. 2016/733, reg. 3(h) (with reg. 6)

Criminal Justice Act 1972 (c. 71)

7 In the Criminal Justice Act 1972 omit section 60.

Commencement Information

I7 Sch. 14 para. 7 in force at 13.7.2016 by S.I. 2016/733, reg. 3(h) (with reg. 6)

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Welsh Development Agency Act 1975 (c. 70)

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

Commencement Information

I8 Sch. 14 para. 8 in force at 13.7.2016 by S.I. 2016/733, reg. 3(h) (with reg. 6)

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

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

Commencement Information

I9 Sch. 14 para. 9 in force at 13.7.2016 by S.I. 2016/733, reg. 3(h) (with reg. 6)

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.”

Commencement Information

I10 Sch. 14 para. 10 in force at 13.7.2016 by S.I. 2016/733, reg. 3(h) (with reg. 6)

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)—

(a) in paragraph (a) after “any land” insert “ in Scotland ”;

(b) in paragraph (b) after “other land” insert “ in Scotland ”.

(4) In subsection (7)—

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- (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).

Commencement Information

I11 Sch. 14 para. 11 in force at 13.7.2016 by S.I. 2016/733, reg. 3(h) (with reg. 6)

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).”

Commencement Information

I12 Sch. 14 para. 12 in force at 13.7.2016 by S.I. 2016/733, reg. 3(h) (with reg. 6)

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).

Commencement Information

I13 Sch. 14 para. 13 in force at 13.7.2016 by S.I. 2016/733, reg. 3(h) (with reg. 6)

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—

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- “(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—
- (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) ”.

Commencement Information

I14 Sch. 14 para. 14 in force at 13.7.2016 by S.I. 2016/733, reg. 3(h) (with reg. 6)

Industrial Development Act 1982 (c. 52)

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

Commencement Information

I15 Sch. 14 para. 15 in force at 13.7.2016 by S.I. 2016/733, reg. 3(h) (with reg. 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).”

Commencement Information

I16 Sch. 14 para. 16 in force at 13.7.2016 by S.I. 2016/733, reg. 3(h) (with reg. 6)

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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).”

Commencement Information

I17 Sch. 14 para. 17 in force at 13.7.2016 by S.I. 2016/733, reg. 3(h) (with reg. 6)

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).”

Commencement Information

I18 Sch. 14 para. 18 in force at 13.7.2016 by S.I. 2016/733, reg. 3(h) (with reg. 6)

Town and Country Planning Act 1990 (c. 8)

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

Commencement Information

I19 Sch. 14 para. 19 in force at 13.7.2016 by S.I. 2016/733, reg. 3(h) (with reg. 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).

Commencement Information

I20 Sch. 14 para. 20 in force at 13.7.2016 by S.I. 2016/733, reg. 3(h) (with reg. 6)

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

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or a right over land (but see section 172 of the Housing and Planning Act 2016).”

Commencement Information

I21 Sch. 14 para. 21 in force at 13.7.2016 by S.I. 2016/733, reg. 3(h) (with reg. 6)

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— ”.

Commencement Information

I22 Sch. 14 para. 22 in force at 13.7.2016 by S.I. 2016/733, reg. 3(h) (with reg. 6)

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— ”.

Commencement Information

I23 Sch. 14 para. 23 in force at 13.7.2016 by S.I. 2016/733, reg. 3(h) (with reg. 6)

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).

Commencement Information

I24 Sch. 14 para. 24 in force at 13.7.2016 by S.I. 2016/733, reg. 3(h) (with reg. 6)

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Greater London Authority Act 1999 (c. 29)

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

Commencement Information

I25 Sch. 14 para. 25 in force at 13.7.2016 by S.I. 2016/733, reg. 3(h) (with reg. 6)

Postal Services Act 2000 (c. 26)

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

“(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).”

Commencement Information

I26 Sch. 14 para. 26 in force at 13.7.2016 by S.I. 2016/733, reg. 3(h) (with reg. 6)

Housing and Regeneration Act 2008 (c. 17)

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

Commencement Information

I27 Sch. 14 para. 27 in force at 13.7.2016 by S.I. 2016/733, reg. 3(h) (with reg. 6)

Localism Act 2011 (c. 20)

28 In the Localism Act 2011 omit section 210.

Commencement Information

I28 Sch. 14 para. 28 in force at 13.7.2016 by S.I. 2016/733, reg. 3(h) (with reg. 6)

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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. 95(1)(ia) inserted by [2023 c. 36 Sch. 1 para. 2](#)
- s. 100(7)(aa) inserted by [2023 c. 36 Sch. 1 para. 3](#)
- s. 172(1)(a) words renumbered as s. 172(1)(a) by [2017 c. 20 s. 26\(8\)\(a\)\(i\)](#)
- s. 172(1)(b) inserted by [2017 c. 20 s. 26\(8\)\(a\)\(ii\)](#)