



# Housing and Planning Act 2016

## 2016 CHAPTER 22

### PART 7

#### COMPULSORY PURCHASE ETC

##### *Right to enter and survey land*

#### **173 Warrant authorising use of force to enter and survey land**

- (1) A justice of the peace may issue a warrant authorising a person to use force in the exercise of the power conferred by section 172(1) if satisfied—
  - (a) that another person has prevented or is likely to prevent the exercise of that power, and
  - (b) that it is reasonable to use force in the exercise of that power.
- (2) The force that may be authorised by a warrant is limited to that which is reasonably necessary.
- (3) A warrant authorising the person to use force must specify the number of occasions on which the authority can rely on the warrant when entering and surveying or valuing land.
- (4) The number specified must be the number which the justice of the peace considers appropriate to achieve the purpose for which the entry and survey or valuation are required.
- (5) Any evidence in proceedings for a warrant under this section must be given on oath.

#### **Modifications etc. (not altering text)**

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| <b>C1</b> | S. 173 applied (with modifications) (11.2.2021) by <a href="#">High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), s. 64(1), Sch. 2 para. 8(2)(3)</a> |
| <b>C2</b> | S. 173 applied (with modifications) (11.2.2021) by <a href="#">High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), s. 64(1), Sch. 2 para. 1(5)(6)</a> |

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**Changes to legislation:** *Housing and Planning Act 2016, Section 173 is up to date with all changes known to be in force on or before 16 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*

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#### **Commencement Information**

**II** S. 173 in force at 13.7.2016 by S.I. 2016/733, reg. 3(h)

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[View outstanding changes](#)

**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\(8\)\(a\)\(ii\)](#)