



Local Government, Planning and Land Act 1980

1980 CHAPTER 65

PART XVI

URBAN DEVELOPMENT

Miscellaneous

167 Power to survey land [^{F1}in Scotland]etc.

- (1) A person to whom this subsection applies may at any reasonable time:—
 - (a) survey any land [^{F2}in Scotland], or estimate its value, in connection with a proposal by an urban development corporation to acquire the land compulsorily;
 - (b) for the purpose of surveying, or estimating the value of, any land in pursuance of paragraph (a) above, enter on the land and other land [^{F3}in Scotland].
- (2) Subsection (1) above applies—
 - (a) to a person authorised in writing by the urban development corporation; and
 - (b) to an officer of the Valuation Office.
- (3) The power to survey land conferred by subsection (1) above includes power for a person to whom that subsection applies by virtue of subsection (2)(a) above to search and bore on and in the land for the purpose of ascertaining the nature of the subsoil or whether minerals are present in the subsoil, and the power to enter on land conferred by that subsection includes power for such a person to place and leave, on or in the land, apparatus for use in connection with the survey in question and to remove the apparatus.
- (4) A person authorised by an urban development corporation to enter on land in pursuance of subsection (1) above—

Status: Point in time view as at 21/03/2024.

Changes to legislation: Local Government, Planning and Land Act 1980, Section 167 is up to date with all changes known to be in force on or before 16 July 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)

- (a) shall, if so required before or after entering on the land, produce evidence of his authority to enter;
 - (b) may take with him on to the land such other persons and such equipment as are necessary for the survey in question;
 - (c) shall not (if the land is occupied) demand admission to the land as of right unless notice of the intended entry has been served by the corporation on the occupier not less than 28 days before the demand;
 - (d) shall (if the land is unoccupied when he enters or the occupier is then temporarily absent) leave the land as effectually secured against trespassers as he found it;
 - (e) shall not place or leave apparatus on or in the land or remove apparatus from the land—
 - (i) unless notice of his intention to do so has been served by the corporation on an owner of the land, and if the land is occupied on the occupier, not less than 28 days before he does so, and
 - (ii) If the land is held by local authority or statutory undertakers who within that period serve on the corporation a notice stating that they object to the placing or leaving or removal of the apparatus on the ground that to do so would be seriously detrimental to the performance of any of their functions or, as the case may be, the carrying on of their undertakings unless he has a written Ministerial authorisation to do so;
 - (f) shall not search or bore on or in the land which is the subject of the survey in question if the land is held by a local authority or statutory undertakers—
 - (i) unless notice of his intention to do so has been served by the corporation on the authority or undertakers not less than 28 days before he does so, and
 - (ii) if within that period the authority or undertakers serve on the corporation a notice stating that they object to the searching or boring on the ground that do so would be seriously detrimental to the performance of any of their functions or, as the case may be, the carrying on of their undertaking, unless he has a written Ministerial authorisation to do so.
- (5) In subsection (4) above “Ministerial authorisation” means—
- (a) in relation to land held by a local authority, the authorisation of the Secretary of State; and
 - (b) in relation to land held by statutory undertakers, the authorisation of the Secretary of State and the appropriate Minister.
- (6) In exercising the powers of this section to survey land held by a local authority or statutory undertakers a person to whom subsection (1) above applies shall comply with all reasonable conditions imposed by the authority or undertakers with regard to the entry on, surveying of, searching or boring on or in the land, or placing or leaving on, or removal of apparatus from land.
- [^{F4}(7) [^{F5}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—]
- (a) section ^{F6}... 114 of that Act (notice of starting date of works), so far as it requires notice to be given to a person having apparatus in the street or road which is likely to be affected by the works,

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- (b) section ^{F7}... 128 of that Act (requirements to be complied with where works likely to affect another person’s apparatus in the street or road), and
 - (c) section ^{F8}... 141 of that Act (liability for damage or loss caused),
[^{F9}have effect in relation to the searching or boring as if they were road works within the meaning of Part 4 of that Act.]]
- (8) If, in connection with such a proposal of a corporation as is mentioned in subsection (1) (a) above, a person interested in any land suffers damage in consequence of the exercise of a power conferred by subsection (1) or (4)(b) above or a failure to perform the duty imposed by subsection (4)(d) above in respect of the land, he shall be entitled to recover compensation for the damage from the corporation.
- (9) Any dispute as to a person’s entitlement to compensation in pursuance of subsection (8) above or as to the amount of the compensation shall be determined by the [^{F10}Lands Tribunal for Scotland], and [^{F11}sections 9(2) to (5) and 11 of the Land Compensation (Scotland) Act 1963 (procedure and expenses)] shall with the necessary modifications apply in relation to the determination by the Tribunal of such a dispute.
- (10) If a person—
- (a) wilfully obstructs another person in the exercise of a power conferred on the other person by subsection (1) or (4)(b) above; or
 - (b) while another person is on any land in pursuance of the said subsection (4)(b), wilfully obstructs him in doing things connected with the survey in question; or
 - (c) removes or otherwise interferes with apparatus left on or in land in pursuance of this section,
- he shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F12}level 3 on the standard scale].
- (11) If a person who has entered on any land in pursuance of this section discloses to another person information obtained by him there about a manufacturing process or trade secret, then, unless the disclosure is made in the course of performing his duty in connection with the purposes for which he was authorised to enter on the land, he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding the statutory maximum or, on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine or both.
- (12) It is hereby declared that references to surveying in this section include references to surveying from the air.
- ^{F13}(13)
- (14) In this section—
- ^{F14}
- “the Valuation Office” means the Valuation Office of the Inland Revenue Department.
- ^{F15}(15)

Textual Amendments

F1 Words in s. 167 heading inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 14 para. 11\(2\)](#); [S.I. 2016/733](#), reg. 3(h) (with reg. 6)

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- F2** Words in s. 167(1)(a) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 14 para. 11(3)(a)**; S.I. 2016/733, reg. 3(h) (with reg. 6)
- F3** Words in s. 167(1)(b) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 14 para. 11(3)(b)**; S.I. 2016/733, reg. 3(h) (with reg. 6)
- F4** S. 167(7) substituted (1.1.1993) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 109**; (E.W.) S.I. 1992/2984, art. 2(2), **Sch. 2**; (S.) S.I. 1992/2990, art. 2(2), **Sch. 2**.
- F5** Words in s. 167(7) substituted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 14 para. 11(4)(a)**; S.I. 2016/733, reg. 3(h) (with reg. 6)
- F6** Words in s. 167(7)(a) omitted (13.7.2016) by virtue of Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 14 para. 11(4)(b)**; S.I. 2016/733, reg. 3(h) (with reg. 6)
- F7** Words in s. 167(7)(b) omitted (13.7.2016) by virtue of Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 14 para. 11(4)(c)**; S.I. 2016/733, reg. 3(h) (with reg. 6)
- F8** Words in s. 167(7)(c) omitted (13.7.2016) by virtue of Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 14 para. 11(4)(d)**; S.I. 2016/733, reg. 3(h) (with reg. 6)
- F9** Words in s. 167(7) substituted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 14 para. 11(4)(e)**; S.I. 2016/733, reg. 3(h) (with reg. 6)
- F10** Words in s. 167(9) substituted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 14 para. 11(5)(a)**; S.I. 2016/733, reg. 3(h) (with reg. 6)
- F11** Words in s. 167(9) substituted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 14 para. 11(5)(b)**; S.I. 2016/733, reg. 3(h) (with reg. 6)
- F12** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G
- F13** S. 167(13) omitted (13.7.2016) by virtue of Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 14 para. 11(6)**; S.I. 2016/733, reg. 3(h) (with reg. 6)
- F14** Definition in s. 167(14) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIV** Group 2
- F15** S. 167(15) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIV** Group 2.

Modifications etc. (not altering text)

- C1** S. 167 applied (with modifications) (27.7.1998) by 1998 c. iv, s. 11
- C2** S. 167 applied (5.11.1993) by 1993 c. 42, ss. 5, 6, Sch. 4 para. 5, **Sch. 5 para. 3** (with s. 30(1), Sch. 2 para. 9)

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