



# Town and Country Planning Act 1990

## 1990 CHAPTER 8

### PART XV

#### MISCELLANEOUS AND GENERAL PROVISIONS

##### *Rights of entry*

#### **325 Supplementary provisions as to rights of entry.**

- (1) A person authorised under section 324 to enter any land—
  - (a) shall, if so required, produce evidence of his authority [<sup>F1</sup>and state the purpose of his entry] before so entering, and
  - (b) shall not demand admission as of right to any land which is occupied unless 24 hours' notice of the intended entry has been given to the occupier.
- (2) Any person who wilfully obstructs a person acting in the exercise of his powers under section 324 shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F2</sup>level 3] on the standard scale.
- (3) If any person who, in compliance with the provisions of section 324, is admitted into a factory, workshop or workplace discloses to any person any information obtained by him in it as to any manufacturing process or trade secret, he shall be guilty of an offence.
- (4) Subsection (3) does not apply if the disclosure is made by a person in the course of performing his duty in connection with the purpose for which he was authorised to enter the [<sup>F3</sup>land].
- (5) A person who is guilty of an offence under subsection (3) shall be liable on summary conviction to a fine not exceeding the statutory maximum or on conviction on indictment to imprisonment for a term not exceeding two years or a fine or both.
- (6) Where any [<sup>F4</sup>damage is caused to land or chattels]—
  - (a) in the exercise of a right of entry conferred under section 324, or

*Status: Point in time view as at 12/08/2012.*

*Changes to legislation: Town and Country Planning Act 1990, Section 325 is up to date with all changes known to be in force on or before 02 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)*

- (b) in the making of any survey for the purpose of which any such right of entry has been so conferred,  
compensation [<sup>F4</sup>may be recovered by any person suffering the damage] from the Secretary of State or authority on whose behalf the entry was effected.
- (7) The provisions of section 118 shall apply in relation to compensation under subsection (6) as they apply in relation to compensation under Part IV.
- (8) No person shall carry out under section 324 any works authorised by virtue of subsection (8) of that section unless notice of his intention to do so was included in the notice required by subsection (1).
- (9) The authority of the appropriate Minister shall be required for the carrying out under that section of works so authorised if the land in question is held by statutory undertakers, and they object to the proposed works on the ground that the execution of the works would be seriously detrimental to the carrying on of their undertaking.

#### Textual Amendments

- F1** Words in s. 325(1)(a) inserted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\), s. 32, Sch. 7 para. 50\(2\)](#)(with s. 84(5)); S.I. 1991/2905, art. 3, [Sch. 1](#) (subject to art. 5)
- F2** Words in s. 325(2) substituted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\), s. 32, Sch. 7 para. 50\(3\)](#)(with s. 84(5)); S.I. 1991/2905, art. 3, [Sch.1](#) (subject to art. 5)
- F3** Word in s. 325(4) substituted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\), s. 32, Sch. 7 para. 50\(4\)](#)(with s. 84(5)); S.I. 1991/2905, art. 3, [Sch.1](#) (subject to art. 5)
- F4** Words in s. 325(6) substituted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\), s. 11\(3\)](#) (with s. 84(5)); S.I. 1991/2905, [art.3](#) (subject to art. 5)

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

- C1** S. 325 applied (with modifications) by [Planning \(Listed Buildings and Conservation Areas\) Act 1990 \(c. 9, SIF 123:1\), s. 88\(7\)](#); applied (with modifications) (11.3.1992 so far as to confer on the Secretary of State a power to impose on him a duty to make regulations, or make provision with respect to the exercise of any such power or duty, 1.6.1992 so far as not already in force) by [Planning \(Hazardous Substances\) Act 1990 \(c. 10, SIF 123:1\), s. 36\(6\)](#); S.I. 1992/725, [arts. 2, 3](#)
- C2** S. 325: power to apply conferred (10.11.1993) by 1993 c. 28, [s. 171\(4\)\(a\)](#); S.I. 1993/2762, [art. 3](#)
- C3** S. 325(1)-(5)(8)(9) applied (with modifications) (25.7.2003 and 29.12.2003 in accordance with the commencing S.I.s) by 2003 c. 21, ss. 118, 411, [Sch. 4 para. 6\(3\)\(4\)](#) (with transitional provisions in Sch. 18); S.I. 2003/1900, arts. 1(2), [2\(1\)](#), Sch. 1 (with transitional provisions in arts. 3-6); S.I. 2003/3142, arts. 1(2), [3\(2\)](#) (with art. 11)
- C4** S. 325(9) applied (10.11.1993) by 1993 c. 28, [s. 163\(11\)](#); S.I. 1993/2762, [art. 3](#)

**Status:**

Point in time view as at 12/08/2012.

**Changes to legislation:**

Town and Country Planning Act 1990, Section 325 is up to date with all changes known to be in force on or before 02 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.