



# Town and Country Planning (Scotland) Act 1997

## 1997 CHAPTER 8

### PART XIV

#### MISCELLANEOUS AND GENERAL PROVISIONS

##### *Rights of entry*

#### **269 Rights of entry**

- (1) Any person duly authorised in writing by the Secretary of State or by a planning authority may at any reasonable time enter upon any land for the purpose of surveying it in connection with—
  - (a) the preparation, approval, adoption, making or amendment of a structure plan or local plan relating to the land under Part II, including the carrying out of any survey under that Part,
  - (b) any application under Part III or sections 182 or 183, or under any order or regulations made under any of those provisions, for any permission, consent or determination to be given or made in connection with that land or any other land under that Part or those sections or under any such order or regulations, or
  - (c) any proposal by the planning authority or by the Secretary of State to make or serve any order or notice under Part III (other than section 61), Part VII (other than sections 160 to 163, 167 and 172 to 175) or under any order or regulations made under any of those provisions.
- (2) Any person duly authorised in writing by the Secretary of State or the planning authority may at any reasonable time enter upon any land for the purpose of ascertaining whether a stop notice or an enforcement notice is being complied with.
- (3) Any person who is an officer of the Valuation Office or is duly authorised in writing by the Secretary of State may at any reasonable time enter upon any land for the purpose

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*Status: This is the original version (as it was originally enacted).*

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of surveying it, or estimating its value, in connection with a claim for compensation under this Act in respect of that land or any other land.

- (4) Any person who is an officer of the Valuation Office or is duly authorised in writing by a planning authority may at any reasonable time enter upon any land for the purpose of surveying it, or estimating its value, in connection with a claim for compensation in respect of that land or any other land which is payable by the planning authority under Part IV, section 204(1) or Part X (other than section 232(2) or (3) or 233(1)(a)(iii)).
- (5) Any person who is an officer of the Valuation Office or is duly authorised in writing by a local authority or Minister authorised to acquire land under section 189 or 190, or by a local authority who have power to acquire land under Part VIII, may at any reasonable time enter upon any land for the purpose of surveying it, or estimating its value, in connection with any proposal to acquire that land or any other land, or in connection with any claim for compensation in respect of any such acquisition.
- (6) Subject to section 270, any power conferred by this section to survey land shall be construed as including power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals in it.

## **270 Supplementary provisions as to rights of entry**

- (1) A person authorised under section 269 to enter upon any land—
  - (a) shall, if so required, produce evidence of his authority 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 269 shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) If any person who, in compliance with the provisions of section 269, is admitted into a factory, workshop or workplace discloses to any person any information obtained by him therein 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 in the course of performing his duty in connection with the purpose for which he was authorised to enter the land.
- (5) A person who is guilty of an offence under subsection (3) shall be liable—
  - (a) on summary conviction to a fine not exceeding the statutory maximum, and
  - (b) on conviction on indictment to imprisonment for a term not exceeding 2 years or a fine or both.
- (6) Where any damage is caused to land or moveable property—
  - (a) in the exercise of a right of entry conferred under section 269, or
  - (b) in the making of any survey for the purpose of which any such right of entry has been so conferred,
 compensation may be recovered by any person suffering the damage from the Secretary of State or authority on whose behalf the entry was effected.
- (7) Section 86 shall apply in relation to compensation under subsection (6) as it applies in relation to compensation under Part IV.

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- (8) No person shall carry out under section 269 any works authorised by virtue of subsection (6) 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 section 269(6) 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 carrying out of the work would be seriously detrimental to the carrying on of their undertaking.