



2011 CHAPTER 25

Part 14

Miscellaneous and general provisions

Rights of entry

Rights of entry

236.—(1) Any person duly authorised in writing by a council may at any reasonable time enter any land for the purpose—

- (a) of surveying it in connection with—
 - (i) the preparation, revision or adoption of a local development plan relating to the land under Part 2;
 - (ii) the making or altering of a simplified planning zone scheme relating to the land;
 - (iii) any application under Part 3 or 4, or under any order or regulations made thereunder, for any permission, consent, agreement, approval or determination to be given or made in connection with that land or any other land under Part 3 or 4 or under any such order or regulations;
 - (iv) any proposal by the council to make, issue or serve any order or notice under Part 3 or 4, or under any order or regulations made thereunder;
- (b) of ascertaining—
 - (i) whether any listed building on the land is being maintained in a proper state of repair;

Changes to legislation: There are currently no known outstanding effects for the Planning Act (Northern Ireland) 2011, Cross Heading: Rights of entry. (See end of Document for details)

- (ii) whether any order or notice made, issued or served as mentioned in paragraph (a)(iv) in respect of the land has been complied with;
 - (c) of affixing a notice in accordance with section 82(1) or displaying a notice in accordance with section 150(10) or (11).
- (2) Any person duly authorised in writing by the Department may at any reasonable time enter any land for the purpose—
 - (a) of surveying it in connection with—
 - (i) the preparation, revision or approval of a local development plan relating to the land under Part 2;
 - (ii) any application under Part 3 or 4, or under any order or regulations made thereunder, for any permission, consent, agreement, approval or determination to be given or made in connection with that land or any other land under Part 3 or 4 or under any such order or regulations;
 - (iii) any proposal by the Department to make, issue or serve any order or notice under Part 3 or 4, or under any order or regulations made thereunder, or any notice under section 202;
 - (b) of surveying any building on the land in connection with a proposal to include the building in, or exclude it from, a list compiled under section 80;
 - (c) of ascertaining—
 - (i) whether any listed building on the land is being maintained in a proper state of repair;
 - (ii) whether any order or notice made, issued or served as mentioned in paragraph (a)(iii) in respect of the land has been complied with;
 - (d) of displaying a notice in accordance with section 150(10) or (11) (as applied by section 151).
- (3) Any member of the planning appeals commission may at any reasonable time enter any land for the purpose of surveying it in connection with the exercise of the functions of the commission under this Act.
- (4) Any person, being an officer of the Department of Finance and Personnel or a person duly authorised in writing by the [^{F1}Department for Communities or the Department for Infrastructure] or a council, may at any reasonable time enter any land for the purpose of surveying it, or estimating its value, in connection with—
 - (a) any proposal to acquire that land or any other land under this Act or any claim for compensation in respect of any such acquisition;
 - (b) any claim for compensation in respect of that land under any of sections 181 to 187.

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(5) Any power conferred by this section to survey land shall be construed as conferring power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals therein, but a person shall not carry out any works authorised by virtue of this subsection unless notice of that person's intention to do so was included in the notice required by section 237(1)(b).

(6) Where it is proposed to search or bore in pursuance of subsection (5) in a street within the meaning of the Street Works (Northern Ireland) Order 1995 (NI 19)—

- (a) Article 15 of that Order (notice of starting date of works), so far as it requires notice to be given to a person having apparatus in the street which is likely to be affected by the works;
- (b) Article 29 of that Order (requirements to be complied with where works likely to affect another person's apparatus in the street); and
- (c) Article 42 of that Order (liability for damage or loss caused),

have effect in relation to the searching or boring as if they were street works within the meaning of that Order.

Textual Amendments

- F1** Words in s. 236(4) substituted (8.5.2016) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 6 para. 81** (with art. 9(2))

Modifications etc. (not altering text)

- C1** S. 236 (except subsections (2)(a) for specified purposes, (2)(b) and (c)(i)): transfer of functions (8.5.2016) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 5 Pt. 2** (with art. 9(2))
- C2** S. 236(2)(a): transfer of functions (8.5.2016 for specified purposes) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 5 Pt. 1** (with art. 9(2))
- C3** S. 236(2)(b): transfer of functions (8.5.2016) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 5 Pt. 1** (with art. 9(2))
- C4** S. 236(2)(c)(i): transfer of functions (8.5.2016) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 5 Pt. 1** (with art. 9(2))
- C5** S. 236(5) applied by S.I. 1981/607 (N.I. 15), art. 9(2) (as substituted (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), **Sch. 6 para. 34** (with s. 211); S.R. 2015/49, arts. 2, 3, **Sch. 1** (with **Sch. 2**) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Commencement Information

- I1** S. 236 in operation at 13.2.2015 for specified purposes by [S.R. 2015/49](#), art. 2, **Sch. 1**
- I2** S. 236 in operation at 1.4.2015 in so far as not already in operation by [S.R. 2015/49](#), art. 3, **Sch. 1** (with **Sch. 2**) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Changes to legislation: There are currently no known outstanding effects for the Planning Act (Northern Ireland) 2011, Cross Heading: Rights of entry. (See end of Document for details)

Supplementary provisions as to powers of entry

237.—(1) A person authorised or permitted under section 236 to enter upon any land—

- (a) must, if so required, produce evidence of that person's authority or of that person's appointment as a member of the planning appeals commission and state the purpose of entry before so entering;
- (b) must not demand admission as of right to any land which is occupied unless 3 days' notice of the intended entry has been given to the occupier.

(2) Any person who wilfully obstructs a person acting in the exercise of powers under section 236 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 section 236, is admitted into a factory, workshop or work place discloses to any person any information obtained by the first-mentioned person as to any manufacturing process or trade secret, that person shall, unless the disclosure is made in the course of performing a duty in connection with the survey or estimate for which that person was authorised to enter the land, be guilty of an offence and liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine, or both.

(4) Where any property is damaged in the exercise of a right of entry conferred under section 236, or in the making of a survey for the purpose of which any such right of entry has been so conferred, compensation in respect of that damage may be recovered by any person interested in the property from the council on whose behalf the entry was effected or, as the case may be, [F²the relevant department] .

(5) Any question of disputed compensation recoverable under subsection (4) shall be determined by the Lands Tribunal.

Textual Amendments

- F2** Words in s. 237(4) substituted (8.5.2016) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 6 para. 82** (with art. 9(2))

Modifications etc. (not altering text)

- C6** S. 237 applied by S.I. 1981/607 (N.I. 15), art. 9(2) (as substituted (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), **Sch. 6 para. 34** (with s. 211); S.R. 2015/49, arts. 2, 3, Sch. 1 (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)
- C7** S. 237: transfer of functions (8.5.2016 for specified purposes) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 5 Pt. 1** (with art. 9(2))

Changes to legislation: There are currently no known outstanding effects for the Planning Act (Northern Ireland) 2011, Cross Heading: Rights of entry. (See end of Document for details)

C8 S. 237: transfer of functions (8.5.2016 for specified purposes) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), [Sch. 5 Pt. 2](#) (with art. 9(2))

Commencement Information

I3 S. 237 in operation at 13.2.2015 for specified purposes by [S.R. 2015/49](#), art. 2, [Sch. 1](#)
I4 S. 237 in operation at 1.4.2015 in so far as not already in operation by [S.R. 2015/49](#), art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Supplementary provisions as to powers of entry: Crown land

238.—(1) Section 236 applies to Crown land subject to the following modifications.

(2) A person must not enter Crown land unless that person has the relevant permission.

(3) Relevant permission is the permission of—

- (a) a person appearing to the person seeking entry to the land to be entitled to give it; or
- (b) the appropriate authority.

(4) In subsection (5) the words from “, but a person” to the end of that subsection shall be omitted.

(5) Section 237 does not apply to anything done by virtue of this section.

(6) “Appropriate authority” and “Crown land” shall be construed in accordance with section 212(1).

Commencement Information

I5 S. 238 in operation at 13.2.2015 for specified purposes by [S.R. 2015/49](#), art. 2, [Sch. 1](#)
I6 S. 238 in operation at 1.4.2015 in so far as not already in operation by [S.R. 2015/49](#), art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Changes to legislation:

There are currently no known outstanding effects for the Planning Act (Northern Ireland) 2011, Cross Heading: Rights of entry.