



# Planning (Hazardous Substances) (Scotland) Act 1997

## 1997 CHAPTER 10

### *General*

#### **35 Rights of entry: supplementary provisions.**

- (1) A person authorised to enter any land in pursuance of a right of entry conferred under or by virtue of section 33 or 34 (referred to in this section as “a right of entry”)—
  - (a) shall, if so required, produce evidence of his authority and state the purpose of his entry before so entering,
  - (b) may take with him such other persons as may be necessary, and
  - (c) on leaving the land shall, if the owner or occupier is not then present, leave it as effectively secured against trespassers as he found it.
- (2) Any person who wilfully obstructs a person acting in the exercise of a right of entry 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 damage is caused to land or moveable property in the exercise of a right of entry, compensation may be recovered by any person suffering the damage from the authority who gave the written authority for the entry or, as the case may be, the Secretary of State; and section 86 of the principal Act shall apply in relation to compensation under this subsection as it applies in relation to compensation under Part IV of the principal Act.
- (4) If any person who enters any land in exercise of a right of entry discloses to any person any information obtained by him while on the land as to any manufacturing process or trade secret, he shall be guilty of an offence.
- (5) Subsection (4) 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 land.
- (6) A person who is guilty of an offence under subsection (4) shall be liable—

---

**Changes to legislation:** There are currently no known outstanding effects for the Planning (Hazardous Substances) (Scotland) Act 1997, Section 35. (See end of Document for details)

---

- (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.
- (7) The authority of the [<sup>F1</sup>Scottish Ministers] shall be required for the carrying out of works in exercise of a power conferred under section 33(5) if—
- (a) the land in question is held by statutory undertakers, and
  - (b) 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.

<sup>F2</sup>(8) .....

---

**Textual Amendments**

**F1** Words in s. 35(7) substituted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 129**; S.I. 1999/3178, **art. 3**

**F2** S. 35(8) repealed (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 129**, Pt. IV; S.I. 1998/3178, **art. 3**

**Changes to legislation:**

There are currently no known outstanding effects for the Planning (Hazardous Substances) (Scotland) Act 1997, Section 35.