



# Land Development Values (Compensation) Act (Northern Ireland) 1965

## 1965 CHAPTER 23

### PART IV

#### MISCELLANEOUS PROVISIONS

#### 40 Powers of entry.

- (1) Any person duly authorised in writing by the Ministry may at any reasonable time enter upon any land for the purpose of surveying it, or estimating its value, in connection with a claim<sup>F1</sup>. . . for compensation under this Act.
- (2) <sup>F2</sup> Subject to subsections (3) to (8), the power conferred by subsection (1) 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 therein.
- (3) <sup>F2</sup> A person authorised under subsection (1) to enter upon any land—
  - (a) shall, if so required, produce evidence of his authority before so entering; and
  - (b) shall not demand admission as of right to any land which is occupied unless three days' notice of the intended entry has been given to the occupier.
- (4) <sup>F2</sup> Any person who wilfully obstructs a person acting in the exercise of his powers under subsection (1) shall be liable on summary conviction to a fine not exceeding<sup>F3</sup> level 2 on the standard scale].
- (5) <sup>F2</sup> If any person who, in compliance with subsection (1), 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, unless the disclosure is made in the course of performing his duty in connection with the survey or estimate for which he was authorised to enter the premises, be liable on summary conviction to a fine not exceeding<sup>F3</sup> level 3 on the standard scale] or to imprisonment for a term not exceeding three months.

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**Changes to legislation:** There are currently no known outstanding effects for the Land Development Values (Compensation) Act (Northern Ireland) 1965, Section 40. (See end of Document for details)

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- (6) Where any land is damaged in the exercise of a right of entry conferred under subsection (1), or in the making of any 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 land from the Ministry.
- (7) Any question of disputed compensation recoverable under subsection (6) shall be referred to and determined by the Lands Tribunal.
- (8)<sup>F2</sup> Where, under subsection (1) a person proposes to carry out any works authorised by virtue of subsection (2), he shall not carry out those works unless notice of his intention to do so was included in the notice required by subsection (3)( b).

**F1** 2001 c. 2 (NI)

**F2** 1969 c. 48

**F3** 1984 NI 3

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

- C1** S. 40 certain functions transferred (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), **ss. 179(2)(c), 254(1), (2)** (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](#))

**Changes to legislation:**

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