



# Local Government, Planning and Land Act 1980

## 1980 CHAPTER 65

### PART XVI

#### URBAN DEVELOPMENT

##### *Miscellaneous*

#### **167 Power to survey land etc.**

- (1) A person to whom this subsection applies may at any reasonable time:—
  - (a) survey any land, or estimate its value, in connection with a proposal by an urban development corporation to acquire the land compulsorily ;
  - (b) for the purpose of surveying, or estimating the value of, any land in pursuance of paragraph (a) above, enter on the land and other land.
- (2) Subsection (1) above applies—
  - (a) to a person authorised in writing by the urban development corporation; and
  - (b) to an officer of the Valuation Office.
- (3) The power to survey land conferred by subsection (1) above includes power for a person to whom that subsection applies by virtue of subsection (2)(a) above to search and bore on and in the land for the purpose of ascertaining the nature of the subsoil or whether minerals are present in the subsoil, and the power to enter on land conferred by that subsection includes power for such a person to place and leave, on or in the land, apparatus for use in connection with the survey in question and to remove the apparatus.
- (4) A person authorised by an urban development corporation to enter on land in pursuance of subsection (1) above—
  - (a) shall, if so required before or after entering on the land, produce evidence of his authority to enter ;

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- (b) may take with him on to the land such other persons and such equipment as are necessary for the survey in question;
  - (c) shall not (if the land is occupied) demand admission to the land as of right unless notice of the intended entry has been served by the corporation on the occupier not less than 28 days before the demand;
  - (d) shall (if the land is unoccupied when he enters or the occupier is then temporarily absent) leave the land as effectually secured against trespassers as he found it;
  - (e) shall not place or leave apparatus on or in the land or remove apparatus from the land—
    - (i) unless notice of his intention to do so has been served by the corporation on an owner of the land, and if the land is occupied on the occupier, not less than 28 days before he does so, and
    - (ii) if the land is held by a local authority or statutory undertakers who within that period serve on the corporation a notice stating that they object to the placing or leaving or removal of the apparatus on the ground that to do so would be seriously detrimental to the performance of any of their functions or, as the case may be, the carrying on of their undertakings unless he has a written Ministerial authorisation to do so;
  - (f) shall not search or bore on or in the land which is the subject of the survey in question if the land is held by a local authority or statutory undertakers—
    - (i) unless notice of his intention to do so has been served by the corporation on the authority or undertakers not less than 28 days before he does so, and
    - (ii) if within that period the authority or undertakers serve on the corporation a notice stating that they object to the searching or boring on the ground that to do so would be seriously detrimental to the performance of any of their functions or, as the case may be, the carrying on of their undertaking, unless he has a written Ministerial authorisation to do so.
- (5) In subsection (4) above " Ministerial authorisation" means—
- (a) in relation to land held by a local authority, the authorisation of the Secretary of State ; and
  - (b) in relation to land held by statutory undertakers, the authorisation of the Secretary of State and the appropriate Minister.
- (6) In exercising the powers of this section to survey land held by a local authority or statutory undertakers a person to whom subsection (1) above applies shall comply with all reasonable conditions imposed by the authority or undertakers with regard to the entry on, surveying of, searching or boring on or in the land, or placing or leaving on, or removal of apparatus from the land.
- (7) Where it is proposed to search or bore in pursuance of this section in a street or controlled land within the meaning of the Public Utilities Street Works Act 1950, section 26 of that Act (which imposes obligations on undertakers executing works likely to affect other undertakers' apparatus) shall have effect in relation to the searching or boring as if it were works to which that section applies and as if the person intending to do the searching or boring were operating undertakers within the meaning of that section.

- (8) If, in connection with such a proposal of a corporation as is mentioned in subsection (1) (a) above, a person interested in any land suffers damage in consequence of the exercise of a power conferred by subsection (1) or (4) (b) above or a failure to perform the duty imposed by subsection (4)(d) above in respect of the land, he shall be entitled to recover compensation for the damage from the corporation.
- (9) Any dispute as to a person's entitlement to compensation in pursuance of subsection (8) above or as to the amount of the compensation shall be determined by the Lands Tribunal, and sections 2(2) to (5) and 4 of the Land Compensation Act 1961 (which relate to the conduct of certain proceedings before the Tribunal and costs) shall with the necessary modifications apply in relation to the determination by the Tribunal of such a dispute.
- (10) If a person—
- (a) wilfully obstructs another person in the exercise of a power conferred on the other person by subsection (1) or (4)(b) above; or
  - (b) while another person is on any land in pursuance of the said subsection (4)(b), wilfully obstructs him in doing things connected with the survey in question; or
  - (c) removes or otherwise interferes with apparatus left on or in land in pursuance of this section,
- he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.
- (11) If a person who has entered on any land in pursuance of this section discloses to another person information obtained by him there about a manufacturing process or trade secret, then, unless the disclosure is made in the course of performing his duty in connection with the purposes for which he was authorised to enter on the land, he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding the statutory maximum or, on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine or both.
- (12) It is hereby declared that references to surveying in this section include references to surveying from the air.
- (13) In the application of this section to Scotland, for the reference in subsection (9) to the Lands Tribunal there shall be substituted a reference to the Lands Tribunal for Scotland, and for the reference in that subsection to sections 2(2) to (5) and 4 of the Land Compensation Act 1961 there shall be substituted a reference to sections 9(2) to (5) and 11 of the Land Compensation (Scotland) Act 1963 (which make similar provision for Scotland).
- (14) In this section—
- " the statutory maximum ", in relation to a fine on summary conviction, means—
    - (a) in England and Wales, the prescribed sum within the meaning of section 28 of the Criminal Law Act 1977 (at the passing of this Act £1,000); and
    - (b) in Scotland, the prescribed sum within the meaning of section 289B of the Criminal Procedure (Scotland) Act 1975 (at the passing of this Act £1,000); and
  - " the Valuation Office " means the Valuation Office of the Inland Revenue Department.

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- (15) The reference to section 28 of the Criminal Law Act 1977 in subsection (14) above shall be construed after the commencement of the Magistrates' Courts Act 1980 as a reference to section 32 of that Act.

### **168 Service of notices**

- (1) This section has effect in relation to any notice required or authorised by this Part of this Act to be served on any person by an urban development corporation.
- (2) Any such notice may be served on the person in question either by delivering it to him, or by leaving it at his proper address, or by sending it by post to him at that address.
- (3) Any such notice may—
- (a) in the case of a body corporate, be given to or served on the secretary or clerk of that body;
  - (b) in the case of a partnership, be given to or served on a partner or a person having the control or management of the partnership business.
- (4) For the purposes of this section and of section 7 of the Interpretation Act 1978 (service of documents by post) in its application to this section, the proper address of any person to or on whom a notice is to be given or served shall be his last known address, except that—
- (a) in the case of a body corporate or its secretary or clerk, it shall be the address of the registered or principal office of that body ;
  - (b) in the case of a partnership or a person having the control or management of the partnership business, it shall be that of the principal office of the partnership;
- and for the purposes of this subsection the principal office of a company registered outside the United Kingdom or of a partnership carrying on business outside the United Kingdom shall be its principal office within the United Kingdom.
- (5) If the person to be given or served with any notice mentioned in subsection (1) above has specified an address within the United Kingdom other than his proper address within the meaning of subsection (4) above as the one at which he or someone on his behalf will accept documents of the same description as that notice, that address shall also be treated for the purposes of this section and section 7 of the Interpretation Act 1978 as his proper address.
- (6) If the name or address of any owner, lessee or occupier of land to or on whom any notice mentioned in subsection (1) above is to be served cannot after reasonable inquiry be ascertained, the document may be served either by leaving it in the hands of a person who is or appears to be resident or employed on the land or by leaving it conspicuously affixed to some building or object on the land.

### **169 Ecclesiastical property**

- (1) Where the fee simple of any ecclesiastical property is in abeyance, it shall be treated for the purposes of a compulsory acquisition of the property under this Part of this Act as being vested in the Church Commissioners, and any notice to treat shall be served, or be deemed to have been served, accordingly.

- (2) Where under this Part of this Act any notice, other than a notice to treat, is required to be served on an owner of land, and the land is ecclesiastical property, a like notice shall be served on the Church Commissioners.
- (3) This section does not extend to Scotland.

#### **170 Interpretation: statutory undertakers etc.**

- (1) In this Part of this Act, unless the context otherwise requires, " statutory undertakers " means—
  - (a) persons authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of electricity, gas, hydraulic power or water,
  - (b) the British Airports Authority, the Civil Aviation Authority, the National Coal Board, the Post Office and any other authority, body or undertakers which by virtue of any enactment are to be treated as statutory undertakers for any of the purposes of the 1971 Act or of the 1972 Act,
  - (c) any other authority, body or undertakers specified in an order made by the Secretary of State under this paragraph, and
  - (d) any wholly-owned subsidiary (within the meaning assigned by section 150(4) of the Companies Act 1948) of any person, authority, body or undertakers mentioned in paragraphs (a) and (b) above or specified in an order made under paragraph (c) above,and " statutory undertaking " shall be construed accordingly.
- (2) In section 141 above " statutory undertakers " also includes British Shipbuilders, the British Steel Corporation and the National Enterprise Board, and any wholly-owned subsidiary (within the meaning assigned by section 150(4) of the Companies Act 1948) of any of them.
- (3) In this Part of this Act the expression "the appropriate Minister ", and any reference to the Secretary of State and the appropriate Minister—
  - (a) in relation to any statutory undertakers who are also statutory undertakers for the purposes of any provision of Part XI of the 1971 Act or Part XI of the 1972 Act, shall have the same meanings as in the said Part XI, and
  - (b) in relation to any other statutory undertakers, shall have the meanings given by an order made by the Secretary of State under this subsection.
- (4) If, in relation to anything required or authorised to be done under this Part of this Act, any question arises as to which Minister is the appropriate Minister in relation to any statutory undertakers, that question shall be determined by the Treasury.
- (5) An order made under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament

#### **171 Interpretation: general**

In this Part of this Act, except in so far as the context otherwise requires—

" ecclesiastical property " means land belonging to an ecclesiastical benefice, or being or forming part of a church subject to the jurisdiction of a bishop, of

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any diocese or the site of such a church, or being or forming part of a burial ground subject to such jurisdiction;

" the 1946 Act" means the Acquisition of Land (Authorisation Procedure) Act 1946;

" the 1947 Act" means the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 ;

"the 1971 Act" means the Town and Country Planning Act 1971;

" the 1972 Act" means the Town and Country Planning (Scotland) Act 1972;

" urban development area " means an area designated by an order under section 134 above;

"urban development corporation" means a corporation established by an order under section 135 above.

## **172    Extent of Part XVI**

This Part of this Act (except paragraph 18 of Schedule 26) does not extend to Northern Ireland.