



National Heritage Act 1983

1983 CHAPTER 47

Historic Buildings and Monuments Commission for England

36 Records: powers of entry.

- (1) Any person duly authorised in writing by the Commission may at any reasonable time enter any land in England for the purpose of inspecting it with a view to obtaining information for inclusion in the Commission's records made under section 33(2)(d); and the following provisions of this section shall apply to any such power of entry.
- (2) The power includes power for any person entering any land in exercise of the power to take with him any assistance or equipment reasonably required for the purpose to which the entry relates and to do there anything reasonably necessary for carrying out the purpose.
- (3) The Commission may not authorise the power to be exercised in relation to any land unless they know or have reason to believe there is in, on or under the land an ancient monument or historic building; and in this subsection "ancient monument" and "historic building" have the meanings given by section 33(8).
- (4) A person may not in the exercise of the power—
 - (a) enter any building or part of a building occupied as a dwelling-house without the consent of the occupier;
 - (b) demand admission as of right to any land which is occupied unless prior notice of the intended entry has been given to the occupier not less than 24 hours before admission is demanded.
- (5) A person seeking to enter any land in exercise of the power shall, if so required by or on behalf of the owner or occupier of the land, produce evidence of his authority before entering.
- (6) Where any works are being carried out on any land in relation to which the power is exercisable, a person acting in the exercise of the power shall comply with any reasonable requirements or conditions imposed by the person by whom the works are being carried out for the purpose of preventing interference with or delay to the works; but any requirements or conditions so imposed shall not be regarded as reasonable for

Changes to legislation: There are currently no known outstanding effects for the National Heritage Act 1983, Section 36. (See end of Document for details)

the purposes of this subsection if compliance with them would in effect frustrate the exercise of the power or the purpose of the entry.

- (7) Any person who intentionally obstructs a person acting in the exercise of the power shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale ^{F1} . . .
- (8) Where in the exercise of the power damage has been caused to land or chattels on land, any person interested in the land or chattels may recover compensation in respect of the damage from the Commission.
- (9) Any claim for compensation under subsection (8) shall be made within the time and in the manner prescribed by regulations made by the Secretary of State for that purpose; and the power to make regulations under this subsection shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) Any question of disputed compensation under subsection (8) shall be referred to and determined by the [^{F2}Upper Tribunal]; and in relation to the determination of any such question [^{F3}section] 4 of the ^{M1}Land Compensation Act 1961 shall apply (construing the references in section 4 to the acquiring authority as references to the Commission).

Textual Amendments

- F1** Words in s. 36(7) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIV** Gp. 2.
- F2** Words in s. 36(10) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 1, **Sch. 1 para. 163(a)** (with Sch. 5)
- F3** Word in s. 36(10) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 1, **Sch. 1 para. 163(b)** (with Sch. 5)

Modifications etc. (not altering text)

- C1** S. 36(1) restricted (18.12.1996) by 1996 c. 61, s. 12, **Sch. 7 para. 5(1)**
- C2** S. 36(1) restricted (22.7.2008) by Crossrail Act 2008 (c. 18), **Sch. 9 para. 5(1)**
- C3** S. 36(1) restricted (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), s. 70(1), **Sch. 19 para. 2(1)**
- C4** S. 36(1) restricted (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), s. 64(1), **Sch. 19 para. 2(1)**
- C5** S. 36(6) excluded (18.12.1996) by 1996 c. 61, s. 12, **Sch. 7 para. 5(3)**
- C6** S. 36(6) excluded (22.7.2008) by Crossrail Act 2008 (c. 18), **Sch. 9 para. 5(3)**
- C7** S. 36(6) excluded (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), s. 70(1), **Sch. 19 para. 2(3)**
- C8** S. 36(6) excluded (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), s. 64(1), **Sch. 19 para. 2(3)**

Marginal Citations

- M1** 1961 c. 33.

Changes to legislation:

There are currently no known outstanding effects for the National Heritage Act 1983, Section 36.