

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Domestic Fire Safety (Wales) Measure 2011, Cross Heading: Power to enter premises. (See end of Document for details)

PROSPECTIVE

SCHEDULE 1

ENFORCEMENT

Power to enter premises

- 6 (1) Subject to this paragraph an authorised officer of a local authority, on producing, if so required, some duly authenticated document showing his authority, has a right to enter any premises at all reasonable hours—
- (a) for the purpose of ascertaining whether there is, or has been, on or in connection with the premises, a failure to comply with the requirements of this Measure that it is the duty of the local authority to enforce,
 - (b) for the purpose of ascertaining whether or not circumstances exist that would authorise or require the local authority to take any action, or execute any work, under this Measure,
 - (c) for the purpose of taking any action, or executing any work, authorised or required by this Measure, or by an order made under this Measure, to be taken, or executed, by the local authority, or
 - (d) generally for the purpose of the performance by the local authority of its functions under this Measure.
- (2) Admission to premises may not be demanded as of right unless 24 hours' notice of the intended entry has been given to the occupier.
- (3) If it is shown to the satisfaction of a justice of the peace on sworn information in writing that—
- (a) admission to any premises has been refused or refusal is apprehended, or the premises are unoccupied, or the occupier is temporarily absent, or the case is one of urgency, or an application for admission would defeat the object of the entry, and
 - (b) there is reasonable ground for entry into the premises for any of the purposes mentioned in sub-paragraph (1) above,
- the justice may by warrant under the hand of the justice authorise the local authority by any authorised officer to enter the premises, if need be by force.
- (4) A warrant may not be issued under sub-paragraph (3) above unless the justice is satisfied that—
- (a) notice of the intention to apply for a warrant has been given to the occupier, or
 - (b) the premises are unoccupied, or the occupier is temporarily absent, or the case is one of urgency, or the giving of the notice would defeat the object of the entry.
- (5) An authorised officer entering premises by virtue of this paragraph, or of a warrant issued under it, may take with the officer such other persons as may be necessary, and on leaving unoccupied premises that the officer has entered by virtue of such a warrant the officer must leave them as effectually secured against trespassers as the officer found them.

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- (6) A warrant issued under this paragraph continues in force until the purpose for which the entry is necessary has been satisfied.

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