



## 2016 CHAPTER 22

### PART 5

#### Supplementary

##### *Other supplementary provision*

#### **Obstructions etc**

**82.—**(1) This section applies where any person (“A”) is required, authorised or entitled to take any action under—

- (a) a temporary exemption notice,
- (b) a rectification notice,
- (c) a Part 4 notice, or
- (d) paragraph 5 of Schedule 3 (power to undertake works).

(2) If—

- (a) A gives notice to any other person (“O”) that A intends to take the action, and
- (b) after receiving that notice, O prevents or obstructs A from taking that action,

A may make an application for an order under subsection (3).

(3) A court of summary jurisdiction may, on the application of A, order O to permit A to do all things which A reasonably requires to do for the purposes of taking the action in question.

(4) Any person who fails to comply with an order under subsection (3) is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) This section does not apply in relation to rights conferred by sections 78 to 80 (powers of entry).