
STATUTORY INSTRUMENTS

1980 No. 1086

Private Streets (Northern Ireland) Order 1980

PART VI

MISCELLANEOUS

Power to enter premises, etc.

35.—(1) Subject to paragraph (2), an officer authorised by the Department to carry out functions under this Order may at any reasonable time enter, examine and lay open premises for the purpose of surveying, making plans, executing, maintaining or examining works, ascertaining the course of sewers or drains, or ascertaining or fixing boundaries.

- (2) A person authorised under paragraph (1) to enter upon any premises—
- (a) shall, if so required, produce evidence of his authority before entering;
 - (b) shall not demand admission as of right to any premises which are occupied unless 7 days' 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 a sworn complaint in writing—
- (a) that admission to the premises, which any person is entitled to enter by virtue of this Article, has been refused to that person, or that refusal is apprehended, or that the premises are unoccupied or the occupier is temporarily absent, or that the case is one of urgency; and
 - (b) that there are reasonable grounds for entry to the premises for any of the purposes mentioned in paragraph (1),

the justice may by warrant under his hand authorise that person to enter the premises if need be by force.

- (4) Where—
- (a) in the exercise of an authorisation given under paragraph (1) any damage is caused to premises or chattels, any person interested in the premises or chattels may recover compensation from the Department in respect of that damage;
 - (b) in consequence of the exercise of any such authorisation any person is disturbed in his enjoyment of premises or chattels, he may recover compensation from the Department in respect of that disturbance.

(5) Any question of disputed compensation recoverable under paragraph (4) shall be determined by the Lands Tribunal.

(6) Where work has been carried out on premises in pursuance of this Article, the Department shall reinstate the premises as soon as possible.

(7) The Department may, for the purpose of enabling it to carry out any of its functions under this Order, by notice in writing require the occupier of any premises and any person who, either directly or indirectly receives rent in respect of any premises, to state in writing the nature of his own interest therein and the name and address of any other person known to him as having an interest therein, whether as freeholder, mortgagee, lessee or otherwise.

(8) Anyone who—

- (a) obstructs any authorised person in the performance of anything which that person is required or authorised to do under this Article or by a warrant issued under paragraph (3);
or
- (b) without reasonable excuse fails to give or knowingly mis-states any information required under paragraph (7);

shall be liable on summary conviction to a fine not exceeding £200.

Changes to legislation:

There are currently no known outstanding effects for the Private Streets (Northern Ireland) Order 1980, Section 35.