
STATUTORY INSTRUMENTS

1989 No. 490

The Laganside Development (Northern Ireland) Order 1989

PART III

OBJECT AND POWERS OF THE CORPORATION

Powers in relation to land

Power to enter land

21.—(1) Subject to this Article, a person authorised in writing by the [^{F1}Department] may, on production if required of his authority, at any reasonable time enter any land for the purpose of—

- (a) surveying or examining the land in order to ascertain the suitability of the land for the execution of works or whether it ought to be acquired by the [^{F2}Department] under Article 20;
- (b) executing any works authorised or required by this Order to be executed by the [^{F3}Department] ;
- (c) inspecting, repairing, altering, renewing or removing any works executed under this Order in or on the land;
- (d) ascertaining whether or not circumstances exist which would authorise the [^{F4}Department] to take any action or execute any works under this Order; or
- (e) taking any other action authorised or required by this Order to be taken by the [^{F5}Department] .

(2) No person shall be entitled to exercise the power of entry conferred by paragraph (1) in relation to any land unless the [^{F6}Department] has given—

- (a) where entry is required solely for the purpose of examination, at least 24 hours' notice of the intended entry to the occupier of the land; or
- (b) where entry is sought for any other purpose, at least 6 days' notice of the intended entry to the occupier and to the owner if the owner is known,

or, in either case, such lesser period of notice as may be agreed between the [^{F6}Department] and the occupier or owner.

(3) Where notice of intended entry for a particular purpose has been given as respects the first occasion on which the right of entry is exercised, no further notice shall be required before entering on the land on a subsequent occasion in connection with that purpose.

(4) If it is shown to the satisfaction of a justice of the peace on a sworn complaint in writing—

- (a) that admission to the land 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 land is 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 land for any purpose for which entry is required,
- the justice may by warrant under his hand authorise that person to enter on the land if need be by force.
- (5) Every warrant granted under this Article shall continue in force until the purpose for which entry is necessary has been satisfied.
- (6) Any person entering any land by virtue of the power of entry conferred by this Article or by virtue of a warrant issued under this Article—
- (a) may take with him such other persons and such equipment as may be necessary; and
 - (b) on leaving any unoccupied land which he has entered by virtue of such a power of entry or such a warrant shall leave it as effectually secured against trespassers as he found it.
- (7) A person who intentionally obstructs any person who enters, or is attempting to enter, land by virtue of the power of entry conferred by this Article or by virtue of a warrant issued under this Article shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (8) Where works have been carried out on land in pursuance of this Article, the [^{F7}Department] shall reinstate the land as soon as possible.
- (9) Where—
- (a) in the exercise of the power conferred by this Article or in executing any warrant under paragraph (4), any damage is caused to land or chattels, any person interested in the land or chattels may recover compensation in respect of that damage from the [^{F8}Department] ;
 - (b) in consequence of the exercise of any such power or the executing of any such warrant, any person is disturbed in his enjoyment of land or chattels, he may recover compensation in respect of that disturbance from the [^{F9}Department] .
- (10) Any question of disputed compensation under this Article shall be referred to and determined by the Lands Tribunal.
- (11) Any power conferred by this Article to survey land shall be construed as including power to ascertain or fix boundaries or to search and bore for the purposes of ascertaining the course of any sewers or drains or of ascertaining the nature of the subsoil and to take and carry away, for the purpose of examination, specimens of the subsoil.

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| F1 | Word in art. 21(1) substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), Sch. 2 Pt. 1 para. 1(1)(g) |
| F2 | Word in art. 21(1)(a) substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), Sch. 2 Pt. 1 para. 1(1)(g) |
| F3 | Word in art. 21(1)(b) substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), Sch. 2 Pt. 1 para. 1(1)(g) |
| F4 | Word in art. 21(1)(d) substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), Sch. 2 Pt. 1 para. 1(1)(g) |
| F5 | Word in art. 21(1)(e) substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), Sch. 2 Pt. 1 para. 1(1)(g) |
| F6 | Word in art. 21(2) substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), Sch. 2 Pt. 1 para. 1(1)(g) |
| F7 | Word in art. 21(8) substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), Sch. 2 Pt. 1 para. 1(1)(g) |
| F8 | Word in art. 21(9)(a) substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), Sch. 2 Pt. 1 para. 1(1)(g) |

Changes to legislation: *There are currently no known outstanding effects for the The Laganside Development (Northern Ireland) Order 1989, Section 21. (See end of Document for details)*

F9 Word in art. 21(9)(b) substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), **Sch. 2 Pt. 1 para. 1(1)(g)**

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