

## SCHEDULES

### SCHEDULE 2

#### ACQUISITION OF LAND

#### PART III

#### ACQUISITION OF LAND: GENERAL PROVISIONS

##### *Acquisition of land: powers of entry*

**8.—**(1) Subject to this paragraph, a person authorised in writing by the [<sup>F1</sup>responsible department] may, on production if required of his authority, at any reasonable time enter any land –

- (a) for the purpose of surveying or examining the land in order to ascertain whether it ought to be acquired by the [<sup>F1</sup>responsible department] under Article 12; or
- (b) in connection with any claim for compensation in respect of any such acquisition.

(2) Subject to this paragraph, a person authorised in writing by a development corporation may, on production if required of his authority, at any reasonable time enter any land –

- (a) for the purpose of surveying or examining the land in order to ascertain whether it ought to be acquired by the corporation under Article 20; or
- (b) in connection with any claim for compensation in respect of any such acquisition.

(3) No person shall be entitled to exercise a power of entry conferred by this paragraph in relation to any land unless he has given at least 24 hours' notice of the intended entry to the occupier of the land or such lesser period of notice as may be agreed between him and the occupier.

(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 paragraph, 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 paragraph 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 paragraph or by virtue of a warrant issued under this paragraph –

- (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.

**Changes to legislation:** There are currently no known outstanding effects for the *The Strategic Investment and Regeneration of Sites (Northern Ireland) Order 2003, Paragraph 8.* (See end of Document for details)

(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 paragraph or by virtue of a warrant issued under this paragraph shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(8) Where in the exercise of the power conferred by this paragraph or in executing any warrant under this paragraph, 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 [<sup>F1</sup>responsible department] or (as the case may be) the development corporation.

(9) Any question of disputed compensation under this paragraph shall be referred to and determined by the Lands Tribunal.

(10) Any power conferred by this paragraph 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.

**F1** Words in *Sch. 2 para. 8* substituted (8.5.2016) by *The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76)*, art. 1(3), *Sch. 6 para. 9(4)* (with art. 9(2))

**Changes to legislation:**

There are currently no known outstanding effects for the The Strategic Investment and Regeneration of Sites (Northern Ireland) Order 2003, Paragraph 8.