
STATUTORY INSTRUMENTS

2003 No. 430

The Planning (Amendment) (Northern Ireland) Order 2003

Other changes relating to enforcement

Rights of entry for enforcement purposes

13.—(1) At the end of Part VI of the principal Order there is inserted—

“Rights of entry for enforcement purposes

Rights to enter without warrant

84A.—(1) Any person duly authorised in writing by the Department may at any reasonable time enter any land—

- (a) to ascertain whether there is or has been any breach of planning control on the land or any other land;
- (b) to ascertain whether an offence has been, or is being, committed with respect to any building on the land or any other land, under Article 44, 49 or 72 (as applied by Article 77(6));
- (c) to ascertain whether an offence has been committed under Article 61, 66 or 66A;
- (d) for the purpose of exercising any of the functions conferred by Article 80;
- (e) to determine whether any of the powers conferred on the Department by this Part should be exercised in relation to the land or any other land;
- (f) to determine how any such power should be exercised in relation to the land or any other land;
- (g) to ascertain whether there has been compliance with any requirement imposed as a result of any such power having been exercised in relation to the land or any other land,

if there are reasonable grounds for entering for the purpose in question.

(2) Admission to any building used as a dwelling-house shall not be demanded as of right by virtue of paragraph (1) unless 24 hours' notice of the intended entry has been given to the occupier of the building.

Right to enter under warrant

84B.—(1) If it is shown to the satisfaction of a justice of the peace on a complaint on oath—

- (a) that there are reasonable grounds for entering any land for any of the purposes mentioned in Article 84A(1); and
- (b) that—
 - (i) admission to the land has been refused, or a refusal is reasonably apprehended;
 - or

(ii) the case is one of urgency,

the justice may issue a warrant authorising any person duly authorised in writing by the Department to enter the land.

(2) For the purposes of paragraph (1)(b)(i) admission to land shall be regarded as having been refused if no reply is received to a request for admission within a reasonable period.

(3) A warrant authorises entry on one occasion only and that entry must be—

- (a) within one month from the date of the issue of the warrant; and
- (b) at a reasonable time, unless the case is one of urgency.

Rights of entry: supplementary provisions

84C.—(1) A person authorised to enter any land in pursuance of a right of entry conferred under or by virtue of Article 84A or 84B (referred to in this Article as “a right of entry”)—

- (a) shall, if so required, produce evidence of his authority and state the purpose of his entry before so entering;
- (b) may take with him such other persons as may be necessary; and
- (c) on leaving the land shall, if the owner or occupier is not then present, leave it as effectively secured against trespassers as he found it.

(2) Any person who wilfully obstructs a person acting in the exercise of a right of entry shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) If any damage is caused to property in the exercise of a right of entry, compensation may be recovered by any person suffering the damage from the Department.

(4) Any question of disputed compensation recoverable under paragraph (3) shall be determined by the Lands Tribunal.

(5) If any person who enters any land, in exercise of a right of entry, discloses to any person any information obtained by him while on the land as to any manufacturing process or trade secret, he shall be guilty of an offence.

(6) Paragraph (5) does not apply if the disclosure is made by a person in the course of performing his duty in connection with the purpose for which he was authorised to enter the land.

(7) A person who is guilty of an offence under paragraph (5) shall be liable—

- (a) on summary conviction to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment to imprisonment for a term not exceeding 2 years or a fine, or both.”.

(2) In Article 121(1) of that Order (rights of entry)—

- (a) in sub-paragraph (a)(v) for “Part IV, V or VI” there is substituted “Part IV or V”;
- (b) in sub-paragraph (c), heads (i) and (iii) are omitted;
- (c) sub-paragraph (e) is omitted.