

SCHEDULES

SCHEDULE 14

Regulation 30

SUPPLEMENTAL PROVISIONS WITH RESPECT TO POWERS OF ENTRY

1. In this Schedule—

“relevant power” means a power conferred by regulation 30, including a power exercisable by virtue of a warrant under this Schedule; and

“responsible authority”—

- (a) in relation to an inspector appointed under regulation 8(1), means the Department; and
- (b) in relation to an inspector appointed under regulation 8(5), means the district council by which that person is appointed.

2.—(1) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—

- (a) that there are reasonable grounds for the exercise in relation to any premises of a relevant power; and
- (b) one or more of the conditions specified in sub-paragraph (2) is fulfilled in relation to those premises,

the justice of the peace may by warrant authorise an inspector to exercise the power in relation to those premises, in accordance with the warrant and, if need be, by force.

(2) The conditions mentioned in sub-paragraph (1)(b) are—

- (a) that the exercise of the power in relation to the premises has been refused;
- (b) that such a refusal is reasonably apprehended;
- (c) that the premises are unoccupied;
- (d) that the occupier is temporarily absent from the premises and the case is one of urgency; or
- (e) that an application for admission to the premises would defeat the purpose of the proposed exercise of the power.

(3) In a case where regulation 30(5) applies, a justice of the peace shall not issue a warrant under this Schedule by virtue only of being satisfied that the exercise of a power in relation to any premises has been refused, or that a refusal is reasonably apprehended, unless the justice of the peace is also satisfied that the notice required by regulation 30(5) has been given and that the period of that notice has expired.

(4) Every warrant under this Schedule shall continue in force until the purposes for which the warrant was issued have been fulfilled.

3.—(1) Subject to regulation 30(10), information obtained in consequence of the exercise of a relevant power, with or without the consent of any person, is admissible in evidence against that or any other person.

(2) Without prejudice to the generality of sub-paragraph (1), information obtained by means of monitoring or other apparatus installed on any premises in the exercise of a relevant power, with or without the consent of any person in occupation of the premises, is admissible in evidence in any proceedings against that or any other person.

Status: This is the original version (as it was originally made).

4. An inspector who, in the exercise of a relevant power, enters any premises which are unoccupied or whose occupier is temporarily absent shall leave the premises as effectually secured against trespassers as the inspector found them.

5.—(1) Where an inspector exercises any power conferred by regulation 30(3)(a) or (b) or (4), it is the duty of the responsible authority to make full compensation to any person who has sustained loss or damage by reason of—

- (a) the exercise by the inspector of that power; or
- (b) the performance of, or failure of the inspector to perform, the duty imposed by paragraph 4.

(2) Compensation shall not be payable by virtue of sub-paragraph (1) in respect of any loss or damage if the loss or damage—

- (a) is attributable to the default of the person who sustained it; or
- (b) is loss or damage in respect of which compensation is payable under any other provision of the pollution control statutory provisions.

(3) Any dispute as to a person's entitlement to compensation under this paragraph, or as to the amount of any such compensation, shall be referred to and determined by the Lands Tribunal, and Articles 4 and 5 of the Land Compensation (Northern Ireland) Order 1982(1) (procedure on reference to the Lands Tribunal and costs) applies to any such determination.

(1) S.I. 1982/712 (N.I. 9)