



# British Waterways Act 1995

## 1995 CHAPTER i

### PART II

#### ENTRY ON LAND

#### 12 Offences under Part II

- (1) If a person—
- (a) intentionally obstructs another person in the exercise of any power of entry conferred on the other person by this Part; or
  - (b) while another person is on any land in pursuance of this Part intentionally obstructs him in carrying out any emergency operations or any relevant operations specified in a notice of entry (and not superseded by any conditions accepted or modifications made under subsection (7) (a) (ii) of section 5 (Notice of entry, etc.) of this Act, or by the order of any court or the sheriff or the award of an arbitrator or arbiter), as the case may be; or
  - (c) without reasonable excuse removes or otherwise interferes with apparatus left on or in land in pursuance of subsection (1) of section 8 (Further provisions as to entry) of this Act;
- he shall be guilty of an offence and liable, on summary conviction, to a fine—
- (i) in the case of an offence of obstructing another person in the exercise of a power conferred by section 4 (Entry on to land in cases of emergency) of this Act, not exceeding level 4 on the standard scale; and
  - (ii) in the case of any other offence, not exceeding level 2 on the standard scale.
- (2) It shall be a defence in any prosecution for an offence under subsection (1) (a) or (b) above that the person obstructed could not reasonably be identified as a person entitled to exercise powers under this Part.
- (3) If a person who has entered on any land in pursuance of this Part discloses to another person information obtained by him there about a manufacturing process or trade secret, he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding the statutory maximum or, on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both.