



Control of Pollution Act 1974

1974 CHAPTER 40

PART V

SUPPLEMENTARY PROVISIONS

Miscellaneous

92 Provisions supplementary to s. 91.

- (1) A person authorised to enter upon any land or vessel in pursuance of the preceding section shall, if so required, produce evidence of his authority before he enters upon the land or vessel.
- (2) A person so authorised may take with him on to the land or vessel in question such other persons and such equipment as may be necessary.
- (3) Admission to any land or vessel used for residential purposes and admission with heavy equipment to any other land or vessel shall not, except in an emergency or in a case where the land or vessel is unoccupied, be demanded as of right in pursuance of subsection (1) of the preceding section unless a notice of the intended entry has been served on the occupier not less than seven days before the demand.
- (4) A person who, in the exercise of powers conferred on him by virtue of the preceding section or this section, enters upon any land or vessel which is unoccupied or of which the occupier is temporarily absent shall leave the land or vessel as effectually secured against trespassers as he found it.
- (5) It shall be the duty of a relevant authority to make full compensation to any person who has sustained damage by reason of—
 - (a) the exercise by a person authorised by the authority of any powers conferred on the person so authorised by virtue of the preceding section or this section; or
 - (b) the failure of a person so authorised to perform the duty imposed on him by the preceding subsection,

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Control of Pollution Act 1974, Section 92. (See end of Document for details)

except where the damage is attributable to the default of the person who sustained it; and any dispute as to a person's entitlement to compensation in pursuance of this subsection or as to the amount of the compensation shall be determined by arbitration.

- (6) A person who wilfully obstructs another person acting in the exercise of any powers conferred on the other person by virtue of the preceding section or this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F1}£100][^{F1}level 3 on the standard scale].
- (7) In the preceding section and this section any reference to an emergency is a reference to a case where a person requiring entry to any land or vessel has reasonable cause to believe that circumstances exist which are likely to endanger life or health and that immediate entry to the land or vessel is necessary to verify the existence of those circumstances or to ascertain their cause or to effect a remedy.

Textual Amendments

- F1** Words “level 3 on the standard scale” substituted (11.4.1983) for words “£100” by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48\)](#), **ss. 38**, 46 and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), **ss. 289F**, 289G (as inserted by [Criminal Justice Act 1982 \(c. 48\)](#), **s. 54**)

Modifications etc. (not altering text)

- C1** Ss. 91-94 extended (with modifications) (14.10.1991) by [Control of Pollution \(Amendment\) Act 1989 \(c. 14, SIF 46:4\)](#), **ss. 7(1)**; S.I. 1991/1618, **art. 3**
- C2** S. 92 extended (20.9.2000) by 2000 c. vii, **ss. 1(1)**, 18
- C3** S. 92: certain functions transferred (10.1.1992) by S.I. 1991/2913, art. 8(1)(3), **Sch. 2**
S. 92: certain functions transferred (7.8.1991) by S.I. 1991/1773, art. 8(1)(3), **Sch. 2**
S. 92 modified (7.8.1991) by S.I. 1991/1773, art. 8(2)(3), **Sch. 2**
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