

Changes to legislation: There are currently no known outstanding effects for the Coal Industry Act 1994, Cross Heading: Exercise of powers of entry etc.. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE 1C

SUPPLEMENTAL PROVISIONS WITH RESPECT TO POWERS OF ENTRY: SCOTLAND

Textual Amendments

- F1** Sch. 1C inserted (20.6.2005) by [Water Services etc. \(Scotland\) Act 2005 \(asp 3\)](#), s. 37(2), [sch. 4](#) (with s. 36); [S.S.I. 2005/351](#), art. 2, sch. 1

Exercise of powers of entry etc.

- 1 (1) A person entitled to enter premises by virtue of the power mentioned in section 4E(3) (a) of this Act—
- (a) may take on to the premises such other persons (including, if the person reasonably believes he is likely to be obstructed, a constable) and such equipment or materials as may be necessary; but this is, where that power is exercisable under a warrant, subject to the terms of the warrant; and
 - (b) must, if required to do so, produce written evidence of that entitlement.
- (2) A person who enters premises in the exercise of a power conferred by virtue of section 4E of this Act must leave the premises as effectually secured against trespassers as the person found them.
- (3) Where a person exercises a power conferred by virtue of section 4E(3)(a) or (4) of this Act, the Authority is to make full compensation to any person who has sustained loss or damage by reason of—
- (a) the exercise of that power; or
 - (b) the carrying out of, or failure to carry out, the duty imposed by sub-paragraph (2) above,
- except in so far as the loss or damage is attributable to the fault of the person who sustained it.
- (4) Any dispute as to a person's entitlement to compensation under sub-paragraph (3) above, or as to the amount of any such compensation, shall be referred to the arbitration of a single arbiter, appointed—
- (a) by agreement between the Authority and the person who claims to have sustained the loss or damage; or
 - (b) in default of agreement, by the Scottish Ministers.
- (5) Any person who makes use of or discloses any trade secret of which the person has gained knowledge as a result of the exercise of a power conferred by virtue of section 4E of this Act is guilty of an offence.
- (6) A person who is guilty of an offence under sub-paragraph (5) above is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum; or

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(b) on conviction on indictment, to a fine.

(7) In this schedule, “premises” has the meaning given by section 4E(8) of this Act.]

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