



New Towns Act (Northern Ireland) 1965

1965 CHAPTER 13

MISCELLANEOUS

41 Power to enter on lands.

- (1) A person authorised in writing stating the particular purpose or purposes for which the entry is authorised, by the Ministry or a new town commission, may at all reasonable times, on giving at least three days' prior notice to the occupier and to the owner, if the owner is known, of his intention—
 - (a) enter for the purpose of survey, valuation or examination—
 - (i) any land which or any interest in or over which the Ministry or the new town commission, as the case may be, propose to acquire compulsorily under powers conferred upon it or them by this Act;
 - (ii) any land, where it appears to the Ministry or the new town commission that survey, valuation or examination is necessary in order to determine whether any powers under this Act should be exercised in respect of that land; or
 - (b) enter any land (whether, in the case of a new town commission, within or without the area designated under section 1 as the site of the new town for the purposes of which the new town commission are established) for any purpose specified in section 271^{F1} of the Public Health (Ireland) Act 1878, and there do anything authorised by that section for any such purpose.
- (2) If any person, other than the owner or occupier of the land, obstructs a person so authorised in the performance of anything which the second-mentioned person is so required or authorised to do, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding^{F2} level 2 on the standard scale].
- (3) If any person, being the owner or occupier of land, prevents a person authorised under subsection (1) from duly carrying into effect any survey, valuation or examination of the land or from doing thereon anything authorised by section 271^{F1} of the said Act of 1878, a court of summary jurisdiction on proof thereof may order the first-mentioned person to permit to be done on the land all things requisite for carrying into effect the survey, valuation or examination or for doing such other thing as aforesaid, and if he

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fails to comply with the order, he shall be guilty of an offence, and shall, for every day during which the failure continues, be liable on summary conviction to a fine not exceeding twenty pounds.

- (4) Where any property is damaged in the exercise of a right of entry conferred under this section or in the making of any survey or examination or the doing of any thing for the purpose of which any such right of entry has been so conferred, compensation in respect of that damage may be recovered from the Ministry or, as the case may be, the new town commission by any person interested in the property.
- (5) Any question of disputed compensation under this section shall be referred to and determined by the Lands Tribunal for Northern Ireland.

F1 [1972 c. 9 \(NI\)](#), see now s.98 of that Act

F2 [1984 NI 3](#)

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