



Local Government Act (Northern Ireland) 1972

1972 CHAPTER 9

PART VII

MISCELLANEOUS FUNCTIONS

LAND

98 Power to enter on land.

^{F1}(1) A person authorised in writing by a council (in this section referred to as an “authorised person”) may, on production if required of his credentials, at any reasonable time enter any land—

- (a) for the purpose of survey, valuation or examination—
 - (i) where the council proposes to acquire the land otherwise than by agreement, or
 - (ii) where it appears to the council that survey, valuation or examination is necessary in order to determine whether any functions of the council should be exercised on or with respect to the land;
- (b) for the purpose of exercising any function that the council has power to exercise on or with respect to the land;
- ^{F2}(c) for the purpose of determining whether, and if so in what manner, such a function should be exercised.]

(2) A power of entry under subsection (1) shall not be exercisable in relation to any land except—

- (a) with consent given by the occupier of the land; or
- (b) where entry is sought for the sole purpose of examination, after at least twenty-four hours' notice of the intended entry has been served on the occupier or owner of the land; or

Changes to legislation: There are currently no known outstanding effects for the Local Government Act (Northern Ireland) 1972, Section 98. (See end of Document for details)

- (c) where entry is sought for any other purpose, after at least six days' notice of the intended entry has been served on the occupier and on the owner, if the owner is known;
- but such consent or notice shall not be necessary where entry is sought under subsection (1)(b) and the case is one of emergency.
- (3) If any person, other than the owner or occupier of the land, knowingly prevents an authorised person from doing on the land any act that the authorised person is duly authorised to do or obstructs the authorised person in doing any such act, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding^{F3} level 3 on the standard scale].
- (4) If any person, being the owner or occupier of land, knowingly prevents an authorised person from doing on the land any act that the authorised person is duly authorised to do or obstructs the authorised person in doing any such act, a court of summary jurisdiction on proof thereof may order him to permit to be done on the land that act and all such things as are reasonably necessary to enable the act to be done or as are incidental to the doing of it; and, if he 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^{F3} level 2 on the standard scale].
- (5)^{F4} Where under this section an authorised person enters any land, he shall ensure that the land is not left less secure by reason of the entry, and the council shall make good or pay compensation for any damage to property caused by the authorised person in entering the land, in doing any act on the land or in making the land secure.
- (6) Any question of disputed compensation under this section shall be referred to and determined by the Lands Tribunal.
- (7) Any reference in this section to an occupier or to an owner shall be construed as including a reference to a person appointed in writing by the occupier or owner as his representative for purposes which include all or any of the purposes of this section.
- (8) Any power conferred by this section to survey land shall be construed as including power to ascertain or fix boundaries, or to search and bore for the purpose of ascertaining the course of any sewers or drains or of ascertaining the nature of the subsoil or the presence of minerals therein, or both, and to take and carry away, for the purpose of examination, specimens of the subsoil or minerals, or both, found therein.

F1 1978 NI 19
F2 1978 NI 19
F3 1984 NI 3
F4 1978 NI 19

Modifications etc. (not altering text)

- C1** Ss. 95 - 98 applied by S.R 2004/49, art. 5 (as inserted (28.1.2008) by [Local Government \(Constituting a Joint Committee a Body Corporate\) \(Amendment\) Order \(Northern Ireland\) 2007 \(S.R. 2007/505\)](#), [art. 2\(5\)](#))
- C2** Ss. 95-98 applied (20.8.2008) by [Local Government \(Constituting a Joint Committee a Body Corporate\) Order \(Northern Ireland\) 2008 \(S.R. 2008/310\)](#), [art. 5](#)
- C3** Ss. 95-99 applied with modifications (2.4.2012) by [The Local Government \(Constituting Joint Committees as Bodies Corporate\) Order \(Northern Ireland\) 2012 \(S.R. 2012/10\)](#), arts. 1, [5](#)
- C4** S. 98 excluded (6.1.2013) by [The Pollution Prevention and Control \(Industrial Emissions\) Regulations \(Northern Ireland\) 2012 \(S.R. 2012/453\)](#), regs. 1, [30\(14\)](#) (with reg. 5, Sch. 3)

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- C5** S. 98 excluded (20.6.2013) by The Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013 (S.R. 2013/160), regs. 1, **30(14)** (with reg. 5, Sch. 3)
- C6** Ss. 95-99 applied (1.4.2015) by The Local Government (Constituting a Joint Committee a Body Corporate) Order (Northern Ireland) 2015 (S.R. 2015/183), art. 1, **reg. 5**

Changes to legislation:

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