

Public Utilities (Emergency Powers) Act (Northern Ireland) 1972

1972 CHAPTER 2

An Act to confer powers on certain undertakers to enter upon, and to carry out works on, land in cases of emergency; and for purposes connected therewith. [8th February, 1972]

1 Authority to gas and electricity undertakers to exercise certain emergency powers.

- (1) Where, on an application made to it by any gas or electricity undertakers, it appears to the Ministry of Commerce that, for the purpose, in a case of emergency, of securing or restoring the supply or distribution of gas or electricity to the community or any part of the community, it is necessary for those undertakers to enter upon and carry out works on any land, the Ministry may authorise those undertakers to exercise the powers set out in section 3.
- (2) In this section “gas undertakers” means^[F1] a licence holder within the meaning of Part II of the Gas (Northern Ireland) Order 1996^[F1] and “electricity undertakers” means^[F2] a public electricity supplier (within the meaning of Part II of the Electricity (Northern Ireland) Order 1992;]^[F2].

F1 1996 NI 2

F2 1992 NI 1

S.2 rep. by 1973 NI 2

3 Emergency powers to enter land and carry out works.

Where undertakers are authorised by the Ministry of Commerce under section 1 ...^{F3} to exercise the powers set out in this section, any officer or servant of those undertakers and any person authorised in writing by those undertakers may—

- (a) on production if so required of his credentials, at any time without notice, whether or not the owner or occupier of the land gives his consent and by

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force, if necessary, enter upon any land for the purpose of carrying out on that land any works mentioned in paragraph (b) or cross any land with or without vehicles, machinery or other equipment for the purpose of carrying out any such works on other land;

- (b) whether or not the owner or occupier of any land gives his consent, without notice and by force, if necessary, carry out on that land such works as the undertakers consider to be reasonably necessary to secure or restore the supply or distribution of gas, [^{F4} or electricity].

[^{F5}Any works carried out under paragraph (b) shall be included in the definition of emergency works in Article 6 of the Street Works (Northern Ireland) Order 1995.^{F5}]

F3 1973 NI 2
F4 1973 NI 2
F5 1995 NI 19

4 Offences.

- (1) Any person who, without the consent of the appropriate undertakers, wilfully interferes with any works carried out in exercise of the powers conferred by this Act shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding [^{F6} level 4 on the standard scale]^{F6} or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.
- (2) Any person who wilfully assaults, obstructs, impedes or hinders a person exercising powers conferred by this Act shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding [^{F6} level 3 on the standard scale]^{F6} or not exceeding £20 for every day on which the obstruction continues, whichever is the greater, or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

F6 1984 NI 3

5 Compensation.

- (1) Where any land is damaged in the exercise of the powers of entry conferred by this Act or in the carrying out of works authorised by this Act or has diminished in value in consequence of the carrying out of those works, the undertakers exercising the power of entry or, as the case may be, carrying out the works shall pay such compensation to the persons interested in the land as may be just; and where any dispute arises as to whether compensation is payable under this section, or as to the amount of any such compensation or as to the persons to whom it is payable, the dispute shall be referred to and determined by the Lands Tribunal.
- (2) Where for the purpose of assessing the amount of any compensation payable under this section the value of any land is required to be determined that value shall be determined in accordance with rules (2) to (4) of [^{F7} Article 6(1) of the Land Compensation (Northern Ireland) Order 1982]^{F7}.

F7 1982 NI 9

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6 Saving.

Nothing in this Act shall derogate from or affect the powers to enter land or carry out works conferred on undertakers by any other enactment.

7 Short title.

This Act may be cited as the Public Utilities (Emergency Powers) Act (Northern Ireland) 1972.

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