



2010 CHAPTER 10

PART 4

MISCELLANEOUS AND SUPPLEMENTARY

Powers of entry

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32.—(1) Subject to the following provisions of this section, an authorised person may, on production if required of that authority, at any reasonable time enter any land for the purpose of—

- (a) exercising any functions of an authorised person under this Act; or
- (b) enabling the Department to carry out any of its functions under this Act.

(2) A person is not entitled to exercise a power of entry conferred by subsection (1) in relation to any land unless that person has given at least 24 hours' notice of the intended entry to the occupier of the land or such lesser period of notice as may be agreed between that person and the occupier.

(3) Nothing in this section authorises a person to enter a dwelling house.

(4) If it is shown to the satisfaction of a lay magistrate on a sworn complaint in writing—

- (a) that admission to the land which any person is entitled to enter by virtue of subsection (1) has been refused to that person, or that refusal is apprehended, or that the land is unoccupied, or the occupier is temporarily absent, or that the case is one of urgency, and
- (b) that there are reasonable grounds for entry to the land for any purpose for which entry is required,

the lay magistrate may by warrant authorise that person to enter on the land if need be by force.

(5) Every warrant granted under this section continues in force until the purpose for which entry is necessary has been satisfied.

(6) Any person entering any land by virtue of the power of entry conferred by subsection (1) or by virtue of a warrant granted under subsection (4)—

- (a) may take onto the land such other persons and such equipment as may be necessary; and
- (b) on leaving any unoccupied land entered by virtue of such a power of entry or such a warrant shall leave it as effectually secured against trespassers as it was found.

(7) Where, in the exercise of the power of entry conferred by subsection (1) or in executing any warrant granted under subsection (4), any damage is caused to land or goods (other than damage expressly authorised by this Act) any person interested in the land or goods may recover compensation in respect of that damage from the Department.

(8) Any question of disputed compensation under subsection (7) shall be referred to and determined by the Lands Tribunal.