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*Changes to legislation: There are currently no known outstanding effects for the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011, Cross Heading: Powers of entry etc.. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 2

#### STATUTORY NUISANCES: SUPPLEMENTARY PROVISIONS

##### *Powers of entry etc.*

2.—(1) Subject to sub-paragraph (2), any person authorised by a district council may, on production (if so required) of that person's authority, enter any premises at any reasonable time—

- (a) for the purpose of ascertaining whether or not a statutory nuisance exists; or
- (b) for the purpose of taking any action, or executing any work, authorised or required by Part 7.

(2) Admission by virtue of sub-paragraph (1) to any premises used wholly or mainly for residential purposes shall not except in an emergency be demanded as of right unless 24 hours notice of the intended entry has been given to the occupier.

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

- (a) that admission to any premises has been refused, or that refusal is apprehended, or that the premises are unoccupied or the occupier is temporarily absent, or that the case is one of emergency, or that an application for admission would defeat the object of the entry; and
- (b) that there is reasonable ground for entry into the premises for the purpose for which entry is required,

the lay magistrate may by warrant authorise the district council by any authorised person to enter the premises, if need be by force.

(4) An authorised person entering any premises by virtue of sub-paragraph (1) or a warrant under sub-paragraph (3) may—

- (a) take to the premises such other persons and such equipment as may be necessary;
- (b) carry out such inspections, measurements and tests as the authorised person considers necessary for the discharge of any of the district council's functions under Part 7; and
- (c) take away such samples or articles as that person considers necessary for that purpose.

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(5) On leaving any unoccupied premises entered by virtue of sub-paragraph (1) or a warrant under sub-paragraph (3) the authorised person shall leave them as effectually secured against trespassers as they were found.

(6) A warrant issued in pursuance of sub-paragraph (3) shall continue in force until the purpose for which the entry is required has been satisfied.

(7) Any reference in this paragraph to an emergency is a reference to a case where the person requiring entry has reasonable cause to believe that circumstances exist which are likely to endanger life or health and that immediate entry is necessary to verify the existence of those circumstances or to ascertain their cause and to effect a remedy.

**Modifications etc. (not altering text)**

- C1** Sch. 2 paras. 2-4 applied by SI 1981/158 (N.I. 4) art. 40(2) (as amended) (1.4.2012) by Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23), s. 78, Sch. 3 para. 10(2); S.R. 2012/13, art. 2(2), Sch. 2

**Commencement Information**

- I1** Sch. 2 para. 2 in operation at 18.1.2012 for specified purposes by S.R. 2012/13, art. 2(1), Sch. 1
- I2** Sch. 2 para. 2 in operation at 1.4.2012 in so far as not already in operation by S.R. 2012/13, art. 2(2), Sch. 2

3.—(1) Any person authorised by a district council may on production (if so required) of that person's authority—

- (a) enter or open a vehicle, machinery or equipment, if necessary by force, or
- (b) remove a vehicle, machinery or equipment from a street to a secure place, for the purpose of taking any action, or executing any work, authorised by or required under Part 7 in relation to a statutory nuisance within section 63(1)(j) caused by noise emitted from or caused by the vehicle, machinery or equipment.

(2) On leaving any unattended vehicle, machinery or equipment entered or opened under sub-paragraph (1), the authorised person shall (subject to sub-paragraph (3)) leave it secured against interference or theft in such manner and as effectually as it was found.

(3) If the authorised person is unable to comply with sub-paragraph (2), that person shall for the purpose of securing the unattended vehicle, machinery or equipment either—

- (a) immobilise it by such means as are considered expedient, or
- (b) remove it from the street to a secure place.

(4) In carrying out any function under sub-paragraph (1), (2) or (3), the authorised person shall not cause more damage than is necessary.

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(5) Before a vehicle, machinery or equipment is entered, opened or removed under sub-paragraph (1), the district council shall notify the police of the intention to take action under that sub-paragraph.

(6) After a vehicle, machinery or equipment has been removed under sub-paragraph (1) or (3), the district council shall notify the police of its removal and current location.

(7) Notification under sub-paragraph (5) or (6) may be given to the police at any police station in the district of the district council.

(8) For the purposes of section 67(6), any expenses reasonably incurred by a district council under sub-paragraph (2) or (3) shall be treated as incurred by the council under section 67(5) in abating or preventing the recurrence of the statutory nuisance in question.

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**Modifications etc. (not altering text)**

- C1** Sch. 2 paras. 2-4 applied by SI 1981/158 (N.I. 4) art. 40(2) (as amended) (1.4.2012) by Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23), s. 78, **Sch. 3 para. 10(2)**; S.R. 2012/13, art. 2(2), Sch. 2

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**Commencement Information**

- I3** Sch. 2 para. 3 in operation at 18.1.2012 for specified purposes by S.R. 2012/13, art. 2(1), **Sch. 1**
- I4** Sch. 2 para. 3 in operation at 1.4.2012 in so far as not already in operation by S.R. 2012/13, art. 2(2), **Sch. 2**

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