



2015 CHAPTER 8

PART 6

CIVIL ENFORCEMENT, EMERGENCY
POWERS AND FURTHER OFFENCES

Powers of entry

Warrants authorising entry

94.—(1) A lay magistrate may by warrant authorise any person entitled to exercise a right of entry under section 93 to do so, if necessary using reasonable force, in accordance with the warrant.

(2) A warrant may be granted under this section only if the lay magistrate is satisfied on a complaint on oath as to both of the following—

- (a) that there are reasonable grounds for the exercise of the right in relation to the land concerned,
- (b) that any of the following applies—
 - (i) the conditions in subsection (3) are satisfied,
 - (ii) the land is unoccupied,
 - (iii) the case is one of urgency.

(3) The conditions referred to in subsection (2)(b)(i) are—

- (a) that the person applying for the warrant has given notice under section 95(2)(a) of the person's intention to exercise the right,
- (b) that the notice period has expired,
- (c) that either—

- (i) permission to exercise the right in relation to the land has been refused, or
 - (ii) such a refusal is reasonably expected.
- (4) For the purposes of subsection subsection (3)(c)(i), permission to exercise the right is to be regarded as having been refused if no reply is received within a reasonable period to a request to exercise the right.
- (5) A warrant granted under this section—
- (a) does not entitle a person to use force against an individual,
 - (b) continues in force until the purpose for which the warrant was issued has been fulfilled or, if earlier, the expiry of such period as the warrant may specify.