



2016 CHAPTER 13

PART 2

POWERS OF ENTRY AND ASSOCIATED POWERS

Code of practice in relation to powers of entry

13.—(1) The Department must prepare a code of practice in connection with the exercise by the Department, a district council or any other person of a power of entry or associated power contained in any statutory provision under which the Department has any function.

(2) After preparing a draft of the code the Department—

- (a) must publish the draft in any manner that it considers appropriate and invite representations regarding the draft;
- (b) must consider any representations made to it regarding the draft; and
- (c) may amend the draft accordingly.

(3) After the Department has proceeded under subsection (2) it must cause a draft of the code to be laid before the Assembly.

(4) If within the statutory period beginning with the day on which a copy of the draft is laid before the Assembly, the Assembly so resolves, no further steps may be taken in relation to the draft.

(5) Nothing in subsection (4) prevents a new draft being prepared and dealt with in accordance with this section, including subsection (3).

(6) If the Assembly does not resolve as mentioned in subsection (4), the Department must publish the code in any manner that it considers appropriate.

(7) The Department must from time to time review the code and, if it considers it appropriate to do so, revise the code.

Changes to legislation: *There are currently no known outstanding effects for the Environmental Better Regulation Act (Northern Ireland) 2016, Section 13. (See end of Document for details)*

(8) Subsections (1) to (7) apply to a revision of the code in the same way as they apply to its preparation.

(9) A person who exercises a power of entry or associated power of a kind mentioned in subsection (1) must have regard to a code of practice published and in force under this section that relates to the exercise of that power.

(10) A failure on the part of any person to have regard to a code of practice in exercising a power of entry or associated power of a kind mentioned in subsection (1) does not of itself make that person liable to criminal or civil proceedings.

(11) A code of practice is admissible in evidence in any such proceedings.

(12) A court or tribunal may, in particular, take into account a failure by a person to have regard to a code of practice in determining a question in any such proceedings.

Commencement Information

II [S. 13](#) in operation at 1.5.2016 by [S.R. 2016/212](#), [art. 2](#)

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