



2016 CHAPTER 22

PART 5

Supplementary

Powers of entry

Powers of entry: with warrant

79.—(1) A lay magistrate may issue a warrant under this section authorising a person named in the warrant to enter and search premises which are specified in the warrant.

(2) A magistrate may issue such a warrant only if satisfied, on a complaint made in writing and substantiated on oath, that the first and second conditions are met.

(3) The first condition is that an officer of the council, or a person acting on behalf of the council, reasonably requires to enter or search the premises for the purpose of enabling or assisting the council to decide—

- (a) whether any offence under this Act has been committed in relation to any living accommodation,
- (b) whether any requirement imposed by any notice issued under this Act in relation to any living accommodation is being or has been complied with, or
- (c) any of the matters mentioned in paragraphs (a) to (c) of section 78(1).

(4) The second condition is that—

- (a) applying to the owner or occupiers for entry (whether under section 78 or otherwise) would defeat the purpose of the entry or search,

Changes to legislation: There are currently no known outstanding effects for the Houses in Multiple Occupation Act (Northern Ireland) 2016, Section 79. (See end of Document for details)

- (b) the premises are unoccupied,
 - (c) the premises are temporarily vacant and it might defeat the purpose of the entry to await the return of the occupiers, or
 - (d) entry to the premises has been sought in accordance with section 78 but has been refused.
- (5) A warrant under this section must specify the purpose for which the entry and search is required.
- (6) A warrant under this section may authorise the use of force.
- (7) Entry under a warrant under this section must be at a reasonable hour unless it appears to the person executing it that the purpose of the entry or search may be defeated if the entry is at a reasonable hour.
- (8) A person executing a warrant under this section may—
- (a) search for, and inspect, any document or other item;
 - (b) take copies of any document;
 - (c) require any person to provide such information or other assistance as the person executing the warrant requires for the purpose of the entry or search.
- (9) A person executing a warrant under this section must produce the warrant for inspection, if requested to do so by the owner or occupier or any person acting on their behalf.
- (10) A warrant under this section is valid for the period of one month beginning with the date on which it is issued.

Commencement Information

II S. 79 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Changes to legislation:

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