

## SCHEDULES

### SCHEDULE 4

#### RIGHTS OF ENTRY

#### PART I

#### RIGHTS REQUIRING NOTICE FOR ENTRY TO NON-BUSINESS PREMISES

##### *Warrants to exercise right*

2.—(1) Subject to sub-paragraph (3), if it is shown to the satisfaction of a lay magistrate, on complaint on oath—

- (a) that any one or more of the conditions specified in sub-paragraph (2) is fulfilled in relation to any premises which a person is entitled to enter by virtue of a right of entry to which this Part of this Schedule applies; and
- (b) that there is reasonable ground for entry to the premises for any purpose for which the right is exercisable,

the magistrate may by warrant authorise that person to enter the premises, if need be by force.

(2) The conditions mentioned in sub-paragraph (1) are—

- (a) that admission to the premises has been refused to the person having the right to enter them;
- (b) that such refusal is apprehended;
- (c) that the premises are unoccupied or the occupier is temporarily absent;
- (d) that the case is one of urgency;
- (e) that an application for admission would defeat the object of the entry.

(3) A warrant under this Part of this Schedule shall not be issued by a lay magistrate in a case in which he is satisfied that the condition mentioned in head (a) or (b) of sub-paragraph (2) is fulfilled unless he is also satisfied—

- (a) that notice of the intention to apply for a warrant has been given to the occupier;
- (b) that a condition mentioned in either of heads (c) and (d) of that sub-paragraph is also fulfilled in relation to the premises; or
- (c) that the giving of such notice as is mentioned in head (a) would defeat the object of the entry.

(4) Every warrant under this Part of this Schedule shall continue in force until the purpose for which the entry is necessary has been fulfilled.

(5) A person leaving any unoccupied premises which he has entered by virtue of a warrant under this Part of this Schedule shall leave them as effectually secured against trespassers as he found them.