
DRAFT STATUTORY INSTRUMENTS

1999 No.

Water (Northern Ireland) Order 1999

PART III

**POWERS OF DEPARTMENT OF AGRICULTURE
IN RELATION TO WATERWAYS**

Supplementary provisions

Powers of entry and inspection

- 51.**—(1) Any person duly authorised by the Department may at any reasonable time—
- (a) enter any premises for the purpose of performing, whether in relation to those premises or not, any functions conferred on the Department under this Part;
 - (b) for the purpose of determining whether, and if so in what manner, any such functions are to be performed in relation to any premises, enter any premises and inspect or survey the premises and inspect any article thereon;
 - (c) for the purpose of ascertaining whether any provision of an order made under Article 49 is being or has been contravened, enter any premises and inspect or survey the premises and inspect any article thereon.
- (2) Any person duly authorised by the Department may—
- (a) stop, if necessary, and enter and search any vessel for the purpose of ascertaining whether any provision of an order made under Article 49 is being or has been contravened;
 - (b) carry out inspections, measurements and tests on any vessel entered by that person or of any articles found on any such vessel.
- (3) If it is shown to the satisfaction of a justice of the peace on sworn complaint in writing—
- (a) that admission to any premises which any person is entitled to enter under paragraph (1) or (2) has been refused to that person, or that refusal is apprehended, or that the premises are unoccupied or that the occupier is temporarily absent, or that the case is one of urgency, or that an application for admission would defeat the object of the entry; and
 - (b) that there is reasonable ground for entry upon the premises for the purpose for which entry is required;

the justice may by warrant under his hand authorise that person to enter the premises, if need be by force.

(4) A warrant granted under paragraph (3) shall continue in force until the purpose for which entry is required has been satisfied.

(5) The power conferred by paragraph (1) to survey premises includes power to sink boreholes.

(6) The power conferred by paragraphs (1)(b) and (c) and (2)(b) shall be exercisable for the purpose of inspecting any documents in the possession of any body relating to the functions of the

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body, and the person carrying out any such inspection may take copies of, or extracts from, any such documents.