



Clean Air Act 1993

1993 CHAPTER 11

PART VII

MISCELLANEOUS AND GENERAL

Administration and enforcement

56 Rights of entry and inspection etc.

- (1) Any person authorised in that behalf by a local authority may at any reasonable time—
 - (a) enter upon any land or vessel for the purpose of—
 - (i) performing any function conferred on the authority or that person by virtue of this Act,
 - (ii) determining whether, and if so in what manner, such a function should be performed, or
 - (iii) determining whether any provision of this Act or of an instrument made under this Act is being complied with; and
 - (b) carry out such inspections, measurements and tests on the land or vessel or of any articles on it and take away such samples of the land or articles as he considers appropriate for such a purpose.
- (2) Subsection (1) above does not, except in relation to work under section 24(1) (adaptations to dwellings in smoke control area), apply in relation to a private dwelling.
- (3) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—
 - (a) that admission to any land or vessel which a person is entitled to enter in pursuance of subsection (1) has been refused to that person or that refusal is apprehended or that the land or vessel is unoccupied or that the occupier is temporarily absent or that the case is one of emergency or that an application for admission would defeat the object of the entry; and

Changes to legislation: There are currently no known outstanding effects for the Clean Air Act 1993, Section 56. (See end of Document for details)

- (b) that there is reasonable ground for entry upon the land or vessel for the purpose for which entry is required,
then, subject to subsection (4), the justice may by warrant under his hand authorise that person to enter the land or vessel, if need be by force.
- (4) A justice of the peace shall not issue a warrant in pursuance of subsection (3) in respect of any land or vessel unless he is satisfied—
- (a) that admission to the land or vessel in pursuance of subsection (1) was sought after not less than seven days notice of the intended entry had been served on the occupier; or
 - (b) that admission to the land or vessel in pursuance of that subsection was sought in an emergency and was refused by or on behalf of the occupier; or
 - (c) that the land or vessel is unoccupied; or
 - (d) that an application for admission to the land or vessel would defeat the object of the entry.
- (5) A warrant issued in pursuance of this section shall continue in force until the purpose for which the entry is required has been satisfied.
- (6) In the application of this section to Scotland—
- (a) any reference to a justice of the peace shall be construed as including a reference to the sheriff; and
 - (b) in subsection (3) for “on sworn information in writing” there is substituted “by evidence on oath”.
- [^{F1}(7) This section does not apply in relation to—
- (a) a function conferred on a local authority by Part 4, or
 - (b) a provision of an instrument made under that Part.]

Annotations:

Amendments (Textual)

F1 S. 56(7) inserted (1.10.2015) by [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), [Sch. 6 para. 56](#); [S.I. 2015/1630](#), art. 3(i)

Modifications etc. (not altering text)

C1 S. 56 applied (with modifications) (1.10.1994) by [S.I. 1994/2249](#), [reg. 3\(4\)](#)

Changes to legislation:

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