

SCHEDULES

SCHEDULE 2

WORKS

PART 2

EXERCISE OF POWERS OF ENTRY ETC

- 13 (1) This paragraph applies where the nominated undertaker proposes to exercise a power of entry under paragraph 1, 2(1), (4) or (6), 3(1), (5) or (7) or 4(1), (6), (7) or (9) in relation to—
- (a) residential land, or
 - (b) a building not on residential land.
- (2) If it appears to a justice of the peace—
- (a) that the nominated undertaker is entitled to exercise the relevant power of entry in relation to the residential land or the building, and
 - (b) that admission to the land or building has been refused or a refusal is reasonably apprehended,
- the justice must issue a warrant authorising the nominated undertaker to exercise the power of entry in relation to the land or building.
- (3) For the purposes of sub-paragraph (2)(b), admission is refused if a request for admission is not granted within a reasonable period after being made.
- (4) Where a warrant has been issued in relation to land or a building under sub-paragraph (2), the nominated undertaker may not demand admission as of right to the land or building unless—
- (a) in a case where a period of notice otherwise applies in relation to the exercise of the power in question, the required notice has been given (whether before or after the issue of the warrant) to the owners and occupiers of the land or building, and
 - (b) in a case where no period of notice otherwise applies in relation to the exercise of the power in question, at least 24 hours' notice has been given (whether before or after the issue of the warrant) to the owners and occupiers of the land or building.
- (5) Paragraph 12(4) (power to take vehicles, equipment and other persons on to land) applies to the exercise of a power of entry in reliance on a warrant issued under sub-paragraph 13(2).
- (6) In this paragraph, “residential land” means so much of any land as consists of—
- (a) a dwelling or part of a dwelling,
 - (b) a garden, yard, private garage or outbuilding which is used and enjoyed wholly or mainly with a dwelling, or

Status: This is the original version (as it was originally enacted).

- (c) in the case of a building which includes one or more dwellings, any part of the building which is used and enjoyed wholly or mainly with those dwellings or any of them.