

## SCHEDULES

### SCHEDULE 2

#### WORKS

#### PART 2

##### EXERCISE OF POWERS OF ENTRY ETC

- 12 (1) This paragraph applies where the nominated undertaker has a power to enter land under paragraph 1, 2(1), (4) or (6), 3(1), (5) or (7), 4(1), (6), (7) or (9) or 7(6).
- (2) The power is exercisable at any reasonable time.
- (3) Before entering the land, the nominated undertaker or any authorised person must, if so required—
- (a) produce evidence of authority to enter the land, and
  - (b) state the purpose of entry.
- (4) For the purposes of exercising the power, the nominated undertaker or any authorised person may (subject to paragraph 13)—
- (a) take vehicles and equipment on to the land, and
  - (b) take on to the land such other persons as may be necessary.
- (5) In this paragraph—
- “authorised person” means a person exercising the relevant power of entry on the nominated undertaker’s behalf;
  - “equipment” includes plant and machinery.
- 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.

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*Status: This is the original version (as it was originally enacted).*

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- (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
    - (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.
- 14 (1) Where the nominated undertaker exercises any power under paragraphs 1 to 4, it must compensate the owners and occupiers of the building or land in relation to which the power is exercised for any loss which they may suffer by reason of the exercise of the power.
- (2) Any dispute as to a person's entitlement to compensation under sub-paragraph (1), or as to the amount of compensation, must be determined under and in accordance with Part 1 of the Land Compensation Act 1961.
- (3) Nothing in sub-paragraphs (1) and (2) affects liability to pay compensation under—
- (a) section 6 of the Railways Clauses Consolidation Act 1845, as incorporated into this Act,
  - (b) section 10(2) of the Compulsory Purchase Act 1965, as applied to the acquisition of land under section 4(1), or
  - (c) any other enactment,
- otherwise than for loss for which compensation is payable under sub-paragraph (1).
- (4) On application by a person who—
- (a) has incurred expenses in complying with a tree works notice under paragraph 7(2), or
  - (b) has suffered any loss or damage in consequence of the carrying out of works required by such a notice,
- the county court must order the nominated undertaker to pay the person such compensation in respect of the loss, damage or expenses as the court thinks fit.