



Rights of Entry (Gas and Electricity Boards) Act 1954

1954 CHAPTER 21 2 and 3 Eliz 2

2 Warrant to authorise entry.

(1) Where it is shown to the satisfaction of a justice of the peace, on sworn information in writing,—

- [^{F1}(a) that admission to premises specified in the information is reasonably required by a gas operator or an electricity operator or by an employee of a gas operator or an electricity operator;]
- (b) that [^{F2}the operator or [^{F3}any employee of the operator]], as the case may be, would, apart from the preceding section, be entitled for that purpose to exercise in respect of the premises a right of entry to which this Act applies; and
- (c) that the requirements (if any) of the relevant enactment have been complied with,

then subject to the provisions of this section the justice may by warrant under his hand authorise [^{F4}the operator or [^{F3}any employee of the operator]], as the case may be, to enter the premises, if need be by force.

(2) If, in a case to which the preceding subsection applies, the relevant enactment does not require notice of an intended entry to be given to the occupier of the premises, the justice shall not grant a warrant under this section in respect of the right of entry in question unless he is satisfied—

- (a) that admission to the premises for the purpose specified in the information was sought by a person lawfully requiring entry in the exercise of that right, and was so sought after not less than twenty-four hours' notice of the intended entry had been given to the occupier; or
- (b) that admission to the premises for that purpose was sought in a case of emergency and was refused by or on behalf of the occupier; or
- (c) that the premises are unoccupied; or
- (d) that an application for admission to the premises would defeat the object of the entry.

Changes to legislation: There are currently no known outstanding effects for the Rights of Entry (Gas and Electricity Boards) Act 1954, Section 2. (See end of Document for details)

- [^{F5}(3) Where paragraph (a) of subsection (2) above applies—
- (a) section 46 of the Gas Act 1986 (if entry is required for the purposes of a [^{F6}gas operator]); or
 - (b) section 109 of the Electricity Act 1989 (if entry is required for the purposes of [^{F7}an electricity operator]),
- shall apply to the service of the notice required by that paragraph.]
- [^{F8}(4) Every warrant granted under this section shall continue in force until—
- (a) the time when the purpose for which the entry is required is satisfied; or
 - (b) the end of the period of 28 days beginning with the day on which the warrant was granted, whichever is the earlier.]

(5) Any person who, in the exercise of a right of entry under the authority of a warrant granted under this section, enters any premises which are unoccupied, or premises of which the occupier is temporarily absent, shall leave the premises as effectually secured against trespassers as he found them.

(6) Where a warrant is granted under this section in respect of a right of entry, then for the purposes of any enactment whereby—

 - (a) an obligation is imposed to make good damage, or to pay compensation, or to take any other step, in consequence of the exercise of the right of entry, or
 - (b) a penalty is imposed for obstructing the exercise of that right,

any entry effected, or sought to be effected, under the authority of the warrant shall be treated as an entry effected, or sought to be effected, in the exercise of that right of entry.

(7) This section shall, in its application to Scotland, have effect as if for any reference to a justice of the peace there were substituted a reference to the sheriff and to a magistrate or justice of the peace having jurisdiction in the place where the premises entry to which is sought are situated.

Textual Amendments

- F1** S. 2(1)(a) substituted (1.10.2001) by 2000 c. 27, s. 108, **Sch. 6 Pt. III para. 41(3)(a)**; S.I. 2001/3266, art. 2, **Sch.**
- F2** Words in s. 2(1)(b) substituted (1.3.1996) by virtue of 1995 c. 45, s. 16(1), **Sch. 4 para. 5(2)(c)**; S.I. 1996/218, **art. 2.**
- F3** Words in s. 2(1)(b) and in the words following s. 2(1)(c) substituted (1.10.2001) by 2000 c. 27, s. 108, **Sch. 6 Pt. III para. 41(3)(b)**; S.I. 2001/3266, art. 2, **Sch**
- F4** Words in s. 2(1)(c) substituted (1.3.1996) by virtue of 1995 c. 45, s. 16(1), **Sch. 4 para. 5(2)(c)**; S.I. 1996/218, **art. 2.**
- F5** S. 2(3) substituted by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1)(3), Sch. 16 para. 8(4), **Sch. 17 para. 35(1)**
- F6** Words in s. 2(3)(a) substituted (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 5(3)**; S.I. 1996/218, **art. 2.**
- F7** Words in s. 2(3)(b) substituted (1.10.2001) by 2000 c. 27, s. 108, **Sch. 6 Pt. II para. 41(4)**; S.I. 2001/3266, **art. 2 Sch**
- F8** S. 2(4) substituted by Electricity Act 1989 (c. 29, SIF 44:1), ss. 101, 112(3), **Sch. 17 para. 35(1)**

Changes to legislation:

There are currently no known outstanding effects for the Rights of Entry (Gas and Electricity Boards) Act 1954, Section 2.