



Rights of Entry (Gas and Electricity Boards) Act 1954

1954 CHAPTER 21

2 Warrant to authorise entry.

- (1) Where it is shown to the satisfaction of a justice of the peace, on sworn information in writing,—
- (a) that admission to premises specified in the information is reasonably required by a Gas Board or Electricity Board, or by an employee of such a Board, for a purpose so specified;
 - (b) that the Board or their employee, 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 the Board or their employee, 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.

Status: This is the original version (as it was originally enacted).

- (3) Where paragraph (a) of the last preceding subsection applies, section seventy of the Gas Act, 1948 (if entry is required for the purposes of a Gas Board) or section sixty-three of the Electricity Act, 1947 (if entry is required for the purposes of an Electricity Board) shall apply to the service of the notice required by that paragraph.
- (4) Every warrant granted under this section shall continue in force until the purpose for which the entry is required has been satisfied.
- (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.