



Transport Act (Northern Ireland) 1967

1967 CHAPTER 37

[^{F1}PART VA

CONSTRUCTION OF RAILWAYS

[^{F1}67E Supplementary provisions relating to section 67D.

- (1) Subject to paragraphs (2) to (9), no person shall be entitled to exercise the power of entry conferred by section 67D(1) unless—
 - (a) the requisite notice of the intended entry has been served by the Holding Company; and
 - (b) the occupier, and where notice has been served on the owner, the owner, has given his consent to the proposed entry.
- (2) In subsection (1) “the requisite notice” means—
 - (a) where entry is required solely for the purpose of examination, at least 24 hours' notice served on the occupier of the land; or
 - (b) where entry is sought for any other purpose, at least 6 days' notice served on the occupier and on the owner if the owner is known.
- (3) If, upon complaint to a court of summary jurisdiction under Part VIII of the Magistrates' Courts (Northern Ireland) Order 1981, it is shown—
 - (a) that there are reasonable grounds for the person on whose behalf the application is made to enter the land in question for the purpose for which entry is permitted under section 67D; and
 - (b) that—
 - (i) the requisite notice has been served and admission to the land has been refused to that person or he has reasonable grounds to believe that it will be refused, or
 - (ii) the land is unoccupied or the occupier is temporarily absent,the court may make an order authorising that person to enter the land.

Status: Point in time view as at 18/08/2014.

Changes to legislation: There are currently no known outstanding effects for the Transport Act (Northern Ireland) 1967, Section 67E. (See end of Document for details)

- (4) Where the court is satisfied that it may be necessary to use force to enter land under section 67D, the court may authorise the use of such force as is reasonable in the circumstances.
- (5) Any person entering any land by virtue of the power of entry conferred by section 67D or by virtue of an order made by a court of summary jurisdiction under subsection (3) —
- (a) may take with him such other persons and such equipment as may be necessary; and
 - (b) on leaving any unoccupied land which he has entered by virtue of such a power of entry or such an order shall leave it as effectually secured against trespassers as he found it.
- (6) A person who intentionally obstructs any person who enters, or is attempting to enter, land by virtue of an order made by a court of summary jurisdiction under subsection (3), shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (7) Where work has been carried out on land in pursuance of section 67D, the Holding Company shall reinstate the land as soon as possible.
- (8) Where—
- (a) in the exercise of the power conferred by section 67D or in carrying out the order of a court of summary jurisdiction under subsection (3), any damage is caused to land or chattels, any person interested in the land or chattels may recover compensation in respect of that damage from the Holding Company,
 - (b) in consequence of the exercise of any such power or the carrying out of any such order, any person is disturbed in his enjoyment of land or chattels, he may recover compensation in respect of that disturbance from the Holding Company.
- (9) Any question of disputed compensation under subsection (8) shall be referred to and determined by the Lands Tribunal.]

Status:

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