

SCHEDULES

SCHEDULE 2

STATUTORY NUISANCES: SUPPLEMENTARY PROVISIONS

Powers of entry etc.

2.—(1) Subject to sub-paragraph (2), any person authorised by a district council may, on production (if so required) of that person's authority, enter any premises at any reasonable time—

- (a) for the purpose of ascertaining whether or not a statutory nuisance exists; or
- (b) for the purpose of taking any action, or executing any work, authorised or required by Part 7.

(2) Admission by virtue of sub-paragraph (1) to any premises used wholly or mainly for residential purposes shall not except in an emergency be demanded as of right unless 24 hours notice of the intended entry has been given to the occupier.

(3) If it is shown to the satisfaction of a lay magistrate on complaint in writing—

- (a) that admission to any premises has been refused, or that refusal is apprehended, or that the premises are unoccupied or the occupier is temporarily absent, or that the case is one of emergency, or that an application for admission would defeat the object of the entry; and
- (b) that there is reasonable ground for entry into the premises for the purpose for which entry is required,

the lay magistrate may by warrant authorise the district council by any authorised person to enter the premises, if need be by force.

(4) An authorised person entering any premises by virtue of sub-paragraph (1) or a warrant under sub-paragraph (3) may—

- (a) take to the premises such other persons and such equipment as may be necessary;
- (b) carry out such inspections, measurements and tests as the authorised person considers necessary for the discharge of any of the district council's functions under Part 7; and
- (c) take away such samples or articles as that person considers necessary for that purpose.

(5) On leaving any unoccupied premises entered by virtue of sub-paragraph (1) or a warrant under sub-paragraph (3) the authorised person shall leave them as effectually secured against trespassers as they were found.

(6) A warrant issued in pursuance of sub-paragraph (3) shall continue in force until the purpose for which the entry is required has been satisfied.

(7) Any reference in this paragraph to an emergency is a reference to a case where the person requiring entry has reasonable cause to believe that circumstances exist which are likely to endanger life or health and that immediate entry is necessary to verify the existence of those circumstances or to ascertain their cause and to effect a remedy.