



2015 CHAPTER 8

PART 6

CIVIL ENFORCEMENT, EMERGENCY
POWERS AND FURTHER OFFENCES

Powers of entry

Powers of entry

93.—(1) Any person duly authorised in writing by the Department may, at any reasonable time for any of the purposes in subsection (2), enter—

- (a) land on which a controlled reservoir is situated,
 - (b) land on which a structure or area, which is to be treated by virtue of section 2(2) for the purposes of this Act as a controlled reservoir, is situated,
 - (c) land on which the Department considers there is a structure or area in relation to which the Department is considering making regulations under section 2(3),
 - (d) land on which a structure or area which previously at any time has been a controlled reservoir is situated,
 - (e) neighbouring or other land through which access is required in order to enter any land referred to in paragraphs (a) to (d).
- (2) The purposes are to carry out an inspection, survey or other operation—
- (a) to determine whether any provision of this Act applies,

- (b) for the purpose of assisting the Department in giving a reservoir designation or a review, periodic re-assessment or appeal as regards a reservoir designation,
- (c) to determine whether a direction under section 26(4)(a) (supervision: direction to carry out visual inspection) has been complied with,
- (d) to determine—
 - (i) whether a measure directed in an inspection report or a pre-commencement safety recommendation has been taken (whether before or after the giving of an enforcement notice under section 71),
 - (ii) the period to be specified in a notice under that section,
- (e) to determine whether a measure directed in a safety report has been taken,
- (f) to determine whether the reservoir manager of a controlled reservoir is complying with the requirements of a preliminary certificate or final certificate,
- (g) to determine whether the records required by sections 37 or 58 are being maintained,
- (h) to determine whether any incident is being reported in accordance with regulations under section 56,
- (i) to determine whether a flood plan is being prepared in accordance with regulations under section 57,
- (j) for the purposes of section 73 (Department's power to arrange taking of safety measures),
- (k) to determine what (if any) emergency measures should be taken under section 75, or for any purpose connected with taking such measures,
- (l) to determine whether a stop notice should be served,
- (m) to assess whether any offence under this Act may be being, or has been, committed,
- (n) for the purposes of section 97 (assessment of compensation or reinstatement works).