



Local Government (Miscellaneous Provisions) Act 1976

1976 CHAPTER 57

PART I **E+W**

GENERAL

Dangerous trees and excavations

24 Provisions supplementary to s. 23. **E+W**

- (1) A person authorised in writing in that behalf by such a council as is mentioned in subsection (1) of the preceding section may enter on any land for the purpose of—
 - (a) determining whether the council should take steps in pursuance of subsection (2) or (7) or serve a notice in pursuance of subsection (3) of that section in respect of a tree on the land; or
 - (b) exercising on behalf of the council a power conferred on the council by subsection (2) or (7) of that section in respect of a tree on the land.
- (2) A person authorised to enter on any land in pursuance of the preceding subsection—
 - (a) shall, if so required before or after entering on the land, produce evidence of his authority to enter;
 - (b) may take with him on to the land such other persons and such equipment as are necessary for achieving the purpose for which he was authorised to enter on the land;
 - (c) shall, if the land is unoccupied when he enters or the occupier is then temporarily absent, leave the land as effectually secured against trespassers as he found it.
- (3) If a person—
 - (a) wilfully obstructs another person in the exercise of a power conferred on the other person by subsection (1) or (2)(b) of this section; or

Changes to legislation: There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1976, Section 24. (See end of Document for details)

- (b) while another person is on land in pursuance of the said subsection (1) or (2)(b), wilfully obstructs the other person in doing things connected with the purpose for which the other person is authorised to be on the land,
he shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F1}level 3 on the standard scale].
- (4) If a person interested in any land suffers damage by reason of—
- the exercise of the power to enter on the land which is conferred by virtue of subsection (1)(a) of this section; or
 - the exercise on the land, in connection with the exercise of the power mentioned in the preceding paragraph, of the power conferred by subsection (2)(b) of this section; or
 - a failure to perform the duty imposed by subsection (2)(c) of this section in respect of the land,
- he shall be entitled to recover compensation for the damage from the local authority which authorised the entry in question.
- (5) Any dispute as to a person's entitlement to compensation in pursuance of the preceding subsection or as to the amount of the compensation shall be determined by the [^{F2}Upper Tribunal] , and [^{F3}section] 4 of the ^{M1}Land Compensation Act 1961 (which [^{F4}relates to] costs) shall with the necessary modifications apply in relation to the determination by the Tribunal of such a dispute.
- (6) Where a council is entitled by virtue of the preceding section to recover any expenses from a person, the council shall also be entitled to recover from him interest on the amount of the expenses or on such portion of it as is for the time being unpaid, at [^{F5}such reasonable rate as the council may determine], from the date on which the council served notice on him demanding payment of the expenses.

Textual Amendments

- F1** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**
- F2** Words in s. 24(5) substituted (1.6.2009) by virtue of [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 120(a)** (with Sch. 5)
- F3** Word in s. 24(5) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 120(b)** (with Sch. 5)
- F4** Words in s. 24(5) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 120(c)** (with Sch. 5)
- F5** Words substituted by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), s. 1(6), **Sch. 6 para. 21**

Marginal Citations

- M1** 1961 c. 33.

Changes to legislation:

There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1976, Section 24.