

Status: Point in time view as at 01/12/1991.

Changes to legislation: Water Industry Act 1991, Part I is up to date with all changes known to be in force on or before 04 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 6

SUPPLEMENTAL PROVISIONS RELATING TO RIGHTS OF ENTRY

PART I

RIGHTS REQUIRING NOTICE FOR ENTRY TO NON-BUSINESS PREMISES

Notice of entry

- 1 (1) Where this Part of this Schedule applies to any right of entry conferred by a provision of this Act, admission to any premises which are not business premises shall not be demanded as of right by virtue of that provision, unless twenty-four hours notice of the intended entry has been given to the occupier of the premises.
- (2) In this paragraph “business premises” means—
- (a) any factory; or
 - (b) any place in which persons are employed otherwise than in domestic service;
- and in this sub-paragraph “factory” has the same meaning as in the ^{M1}Factories Act 1961.

Marginal Citations

M1 1961 c. 34.

Warrants to exercise right

- 2 (1) Subject to sub-paragraph (3) below, if it is shown to the satisfaction of a justice of the peace, on sworn information in writing—
- (a) that any one or more of the conditions specified in sub-paragraph (2) below is fulfilled in relation to any premises which a person is entitled to enter by virtue of a right of entry to which this Part of this Schedule applies; and
 - (b) that there is reasonable ground for entry to the premises for any purpose for which the right is exercisable,
- the justice may by a warrant under his hand authorise that person to enter the premises, if need be by force.
- (2) The conditions mentioned in sub-paragraph (1) above are—
- (a) that admission to the premises has been refused to the person having the right to enter them;
 - (b) that such refusal is apprehended;
 - (c) that the premises are unoccupied or the occupier is temporarily absent;
 - (d) that the case is one of urgency;

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- (e) that an application for admission would defeat the object of the entry.
- (3) A warrant under this Part of this Schedule shall not be issued by a justice of the peace in a case in which he is satisfied that the condition mentioned in paragraph (a) or (b) of sub-paragraph (2) above is fulfilled unless he is also satisfied—
 - (a) that notice of the intention to apply for a warrant has been given to the occupier;
 - (b) that a condition mentioned in either of paragraphs (c) and (d) of that sub-paragraph is also fulfilled in relation to the premises; or
 - (c) that the giving of such notice as is mentioned in paragraph (a) above would defeat the object of the entry.
- (4) Every warrant under this Part of this Schedule shall continue in force until the purpose for which the entry is necessary has been fulfilled.
- (5) A person leaving any unoccupied premises which he has entered by virtue of a warrant under this Part of this Schedule shall leave them as effectually secured against trespassers as he found them.

Supplementary power of person making entry

- 3 Any person entitled to enter any premises by virtue of a right to which this Part of this Schedule applies, or of a warrant under this Part of this Schedule, may take with him such other persons as may be necessary.

Obstruction of person exercising right

- 4 Any person who wilfully obstructs any person upon whom a right of entry has been conferred by virtue of—
 - (a) any provision of this Act relating to a right of entry to which this Part of this Schedule applies; or
 - (b) a warrant under this Part of this Schedule,
 shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 1 on the standard scale.

Duty of persons exercising rights to maintain confidentiality

- 5 (1) Without prejudice to section 206 of this Act and subject to sub-paragraphs (2) and (3) below, any person who is admitted to any premises in compliance—
 - (a) with any provision of this Act relating to a right of entry to which this Part of this Schedule applies; or
 - (b) with a warrant under this Part of this Schedule,
 shall be guilty of an offence under this paragraph if he discloses to any person any information obtained by him there with regard to any manufacturing process or trade secret.
- (2) A person shall not be guilty of an offence under this paragraph in respect of any disclosure made in the performance of his duty.
- (3) For the purposes of the application of this Part of this Schedule to the right conferred by section 171 of this Act, the reference to premises in subsection (1) above shall have effect as a reference only to business premises, within the meaning of paragraph 1 above.

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- (4) A person who is guilty of an offence under this paragraph, other than such a person as is mentioned in sub-paragraph (5) below, shall be liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding the statutory maximum or to both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding three months or to a fine or to both.

- (5) A person who is guilty of an offence under this paragraph by virtue of the application of this Part of this Schedule to the rights conferred by section 171 of this Act shall be liable, on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding level 3 on the standard scale or to both.

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