

Status: Point in time view as at 01/04/2012.

Changes to legislation: There are currently no known outstanding effects for the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011, Section 58. (See end of Document for details)



2011 CHAPTER 23

PART 6

NOISE

CHAPTER 1

AUDIBLE INTRUDER ALARMS

Powers in relation to alarms

Powers of entry: supplementary

58.—(1) This section applies where an officer of a district council enters any premises under section 56 or under a warrant issued under section 57.

(2) The officer may take any steps the officer thinks necessary for the purpose of silencing the alarm.

(3) The officer may take to the premises—

(a) such other persons, and

(b) such equipment,

as the officer thinks necessary for the purpose of silencing the alarm.

(4) The officer and any person who enters the premises by virtue of subsection (3) must not cause more damage to or disturbance at the premises than is necessary for the purpose of silencing the alarm.

(5) If the premises are unoccupied or (where the premises are occupied) the occupier of the premises is temporarily absent the officer must—

(a) leave a notice at the premises stating what action has been taken on the premises under this section and section 56 or 57;

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(b) leave the premises (so far as is reasonably practicable) as effectively secured against entry as the officer found them.

(6) But the officer is not required by virtue of subsection (5)(b) to re-set the alarm.

(7) Any expenses reasonably incurred by the district council in connection with entering the premises, silencing the alarm and complying with subsection (5) may be recovered by the council from the responsible person.

(8) A warrant under section 57 continues in force until—

(a) the alarm has been silenced, and

(b) the officer has complied with subsection (5) (if that subsection applies).

(9) Nothing done by, or by a member of, a district council or by an officer of or another person authorised by a district council, if done in good faith for the purposes of section 56 or 57 or this section, is to subject the council or any of those persons personally to any action, liability, claim or demand.

(10) Subsection (9) does not apply so as to prevent an award of damages in respect of an act or omission on the ground that the act or omission was unlawful by virtue of section 6(1) of the Human Rights Act 1998 (c. 42).

Commencement Information

II S. 58 in operation at 1.4.2012 by S.R. 2012/13, art. 2(2), Sch. 2

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