



2011 CHAPTER 25

PART 5

ENFORCEMENT

Rights of entry for enforcement purposes

Rights of entry: supplementary provisions

178.—(1) A person authorised to enter any land in pursuance of a right of entry conferred under or by virtue of section 176 or 177 (referred to in this section as “a right of entry”)—

- (a) must, if so required, produce evidence of his or her authority and state the purpose of entry before so entering;
- (b) may be accompanied by such other persons as may be necessary; and
- (c) on leaving the land must, if the owner or occupier is not then present, leave it as effectively secured against trespassers as that person found it.

(2) Any person who wilfully obstructs a person acting in the exercise of a right of entry shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) If any damage is caused to property in the exercise of a right of entry, compensation may be recovered by any person suffering the damage from the council or, as the case may be, the Department.

(4) Any question of disputed compensation recoverable under subsection (3) shall be determined by the Lands Tribunal.

(5) If any person who enters any land, in exercise of a right of entry, discloses to any person any information obtained by that person while on the land as to any manufacturing process or trade secret, that person shall be guilty of an offence.

(6) Subsection (5) does not apply if the disclosure is made by a person in the course of performing a duty in connection with the purpose for which that person was authorised to enter the land.

(7) A person who is guilty of an offence under subsection (5) shall be liable—

- (a) on summary conviction to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment to imprisonment for a term not exceeding 2 years or a fine, or both.