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STATUTORY INSTRUMENTS

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**1987 No. 1275**

**The Electricity Supply (Amendment)  
(Northern Ireland) Order 1987**

**Powers of entry**

**8.** For Article 9 of the Electricity Supply Order (power to enter on lands) there shall be substituted—

**“Powers of entry, etc.**

**9.—(1)** Subject to Articles 9A and 9B, a person authorised in writing by the Service may, on production if required of his credentials, at any reasonable time enter—

- (a) any premises to which electricity is or has been supplied by the Service,—
  - (i) subject to paragraph (2), to inspect, remove or replace the electric fittings belonging to the Service which are on the premises;
  - (ii) to ascertain the quantity of electricity consumed or supplied;
  - (iii) where a supply of electricity or hire of the electric fittings belonging to the Service is no longer required, or where the Service is authorised to cut off or disconnect the supply of electricity from the premises, to cut off or disconnect the supply of electricity or to remove the electric fittings belonging to the Service which are on the premises;
- (b) any land for the purpose of survey, valuation or examination—
  - (i) where the Service proposes to acquire the land otherwise than by agreement, or
  - (ii) where it appears to the Service that survey, valuation or examination is necessary in order to determine whether any functions of the Service should be exercised on or with respect to the land;
- (c) any land for the purpose of exercising any function that the Service has power to exercise on or with respect to that or any other land.

(2) The powers of inspection mentioned in paragraph (1)(a)(i) shall, in relation to any premises or part of any premises which are or is wholly occupied as a factory within the meaning of the Factories Act (Northern Ireland) 1965, extend only to the inspection of—

- (a) such of the matters on the premises or on that part of the premises, as the case may be, as are used by the Service for measuring electricity supplied by the Service; and
- (b) the service lines by which those meters are connected.

(3) The power to survey land mentioned in paragraph (1)(b) shall include power to search and bore for the purpose of ascertaining the course of any sewers or drains or of ascertaining the nature of the subsoil, and to take and carry away for examination specimens of the subsoil.

### **Exercise of powers of entry**

**9A.** A power of entry under Article 9(1) or under regulations made under Article 36 shall not be exercisable except—

- (a) with consent given by or on behalf of the occupier of the premises or, as the case may be, the land; or
- (b) the following notice of the intended entry has been served upon the occupier of the premises or, as the case may be, the land that is to say—
  - (i) without prejudice to paragraph 22(1) of Schedule 3, where entry is sought under Article 9(1)(a), 24 hours; or
  - (ii) where entry is sought under Article 9(1)(b) or (c), 6 days; or
- (c) in the case of any premises, under the authority of a warrant granted under Article 9B; so, however, that this paragraph shall not apply where entry is sought under Article 9(1)(a) or (c) and the case is one of emergency. Warrant to authorise entry

**9B.—(1)** Where a justice of the peace is satisfied by complaint on oath—

- (a) that admission to premises is reasonably required for the purpose specified in the complaint; and
- (b) that an authorised person would, apart from Article 9A, be entitled for that purpose to exercise in respect of the premises a power of entry under Article 9(1) or under regulations made under Article 36, and
- (c) that—
  - (i) the requirements of Article 9A(b) have been complied with, or
  - (ii) in the case of a right of entry under Article 9(1)(a)(iii), an application for admission, or the serving of a notice under Article 9A(b), would defeat the object of the entry, or
  - (iii) the premises are unoccupied;

he may issue a warrant under his hand authorising any authorised person to enter the premises.

(2) A warrant granted under this Article shall continue in force for a period of 1 month.

(3) In this Article and Articles 9C and 9D, “authorised person” means—

- (a) a person authorised as mentioned in Article 9(1); or
- (b) a person authorised to exercise functions under regulations made under Article 36; as the case may be. Premises to be left secure and damage to be made good

**9C.—(1)** Where, in pursuance of any powers conferred by Articles 9 to 9B or by any regulations made under Article 36, entry is made on any premises by an authorised person, he shall ensure that the premises are not left less secure by reason of the entry, and the Service shall make good or pay compensation for any damage to property caused by the person in entering the premises, in carrying out any inspection of work in the premises or in making the premises secure.

(2) Any question of disputed compensation under this Article shall be referred to and determined by the Lands Tribunal.

(3) In this Article “premises” includes land. Penalties

**9D.** Any person who knowingly obstructs an authorised person—

- (a) in exercising a power of entry under Article 9(1) or under regulations made under Article 36 so as to prevent him from gaining admission after due notice has been served or a warrant authorising him to enter has been obtained; or
- (b) in carrying out on the premises such inspections, tests or other actions as he is entitled to perform after entry; shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.