
STATUTORY INSTRUMENTS

1990 No. 1508

The Horse Racing (Northern Ireland) Order 1990

Horse Racing Fund

Power to enter land

6.—(1) A person authorised in writing by the Department (in this Article referred to as an “authorised person”) may, on production if required of his credentials, at any reasonable time enter any land for the purpose of—

- (a) survey, valuation or examination with respect to works under Article 3(5)(b) or (c) proposed in any statement submitted to the Department by the Corporation or the Company under Article 3(4); or
- (b) inspection of any such works.

(2) A power of entry under paragraph (1) shall not be exercisable in relation to any land except—

- (a) with consent given by the occupier or owner of the land; or
- (b) after at least 24 hours' notice of the intended entry has been served on the occupier or owner of the land.

(3) If any person, other than the owner or occupier of the land, knowingly prevents an authorised person from carrying out anything which the authorised person is duly authorised to do or obstructs the authorised person in carrying out any such thing, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(4) If any person, being the owner or occupier of land, knowingly prevents an authorised person from duly carrying into effect any survey, valuation, examination or inspection of such land or obstructs the authorised person in doing any such survey, valuation, examination or inspection, a court of summary jurisdiction on proof thereof may order him to permit to be done on the land all things requisite for carrying into effect such survey, valuation, examination or inspection; and, if he fails to comply with the order, he shall be guilty of an offence and shall for every day during which the failure continues be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(5) Where under this Article an authorised person enters any land, he shall ensure that the land is not left less secure by reason of the entry, and the Department shall make good or pay compensation for any damage to property caused by, or in consequence of, the authorised person exercising any right or failing to perform any duty under this Article.

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

(7) Any reference in this Article to an occupier or to an owner shall be construed as including a reference to a person appointed in writing by the occupier or owner as his representative for purposes including all or any of the purposes of this Article.