



Reservoirs Act 1975

1975 CHAPTER 23

[^{F1} Additional powers of enforcement authority

[^{F1}17 Powers of entry.

- (1) Subject to the following provisions of this section a person duly authorised in writing by an enforcement authority may at any reasonable time enter upon the land on which a reservoir is situated—
 - (a) [^{F2}for the purpose of carrying out an inspection, survey or other operation to determine whether any provision of this Act applies;]
 - (b) for the purpose of carrying out any survey or other operation needed to determine whether any recommendation as to measures to be taken in the interests of safety [^{F3}, or as to the maintenance of the reservoir,] has been carried into effect as required by section [^{F4}8,] 9, 10 or 14 above or what period should be specified in a notice under section [^{F4}8,] 9, 10 or 14 requiring the undertakers to carry such a recommendation into effect;
 - (c) for the purpose of carrying out any inspection of the reservoir that he has been appointed under section 15(1) above to carry out, or any survey or other operation needed for the purpose of a report that he has been appointed under section 15(1) to make;
 - (d) for any purpose connected with the carrying into effect under section 15(2) above of a recommendation as to measures to be taken in the interests of safety;
 - (e) for the purpose of carrying out any survey or other operation needed to determine whether any or what measures should be taken under section 16 above, or for any purpose connected with the carrying into effect of any measures taken under that section.
- (2) Where the entry is for a purpose within subsection (1)(e) above, the power to enter upon the land on which a reservoir is situated shall extend also to any neighbouring land.
- (3) Where the use of a large raised reservoir as a reservoir is abandoned, subsection (1) above (so far as material) shall continue to apply in relation to the site of the

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reservoir as land on which a reservoir is situated; and for this purpose references in subsection (1), and in any other provision of this Act as it operates in relation thereto, to the enforcement authority or to the undertakers shall have effect as at the time when the use of the reservoir as such is abandoned.

- (4) Except for a purpose within subsection (1)(e) above, a person may not under this section demand admission as of right to any land that is occupied, unless at least seven days' notice in writing of the intended entry has been given to the occupier or the entry is authorised by a warrant granted under subsection (5) below.

A notice under this subsection shall specify the purpose for which entry is required and shall indicate so far as practicable the nature of any works to be executed on the land.

- (5) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—
- (a) that admission to any land on which any person is entitled to enter under this section has been refused to that person, or that a refusal is apprehended, or that the occupier is temporarily absent; and
 - (b) that there is reasonable ground for entry on to the land for the purpose for which entry is required;

the justice may by warrant under his hand authorise that person to enter on the land, if need be by force; but such a warrant shall not be issued on the ground that entry has been refused or that a refusal of entry is apprehended unless the justice is satisfied that notice in writing of the intention to apply for a warrant has been given to the occupier.

- (6) Every warrant granted under this section shall continue in force until the purpose for which the entry is required has been satisfied.
- (7) A person duly authorised to enter on any land by virtue of this section shall, if so required, produce evidence of his authority before so entering and may take with him on to the land such other persons and such equipment as may be necessary.
- (8) Any person who wilfully obstructs a person entitled to enter on land by virtue of this section shall be liable on summary conviction to a fine not exceeding [^{F5}level 3 on the standard scale].
- (9) In the application of this section to Scotland—
- (a) any reference to a justice of the peace includes a reference to the sheriff having jurisdiction in the place where the land is situated;
 - (b) for the reference to be sworn information in writing there shall be substituted a reference to evidence on oath.]

Textual Amendments

- F1** Act repealed (S.) (1.4.2016) by [Reservoirs \(Scotland\) Act 2011 \(asp 9\)](#), **ss. 8(2)**, 116(1) (with s. 110); [S.S.I. 2016/42](#), **art. 2**, **sch.** (with **art. 3**)
- F2** S. 17(1)(a) substituted (30.7.2013 for E., 1.4.2016 for W.) by [Flood and Water Management Act 2010 \(c. 29\)](#), **s. 49(3)**, **Sch. 4 para. 29** (with **s. 49(1)(6)**); [S.I. 2013/1590](#), **art. 3(b)**; [S.I. 2016/79](#), **art. 2(d)**
- F3** Words in s. 17(1)(b) inserted (30.7.2013 for E., 1.4.2016 for W.) by [Flood and Water Management Act 2010 \(c. 29\)](#), **s. 49(3)**, **Sch. 4 para. 13** (with **s. 49(1)(6)**); [S.I. 2013/1590](#), **art. 3(b)**; [S.I. 2016/79](#), **art. 2(b)**
- F4** Words in s. 17(1)(b) inserted (E.W.) (1.4.2004 for E., 1.4.2004 for W.) by [Water Act 2003 \(c. 37\)](#), **ss. 75(4)**, 105(3); [S.I. 2004/641](#), **art. 3(t)** (with **Sch. 3 para. 7**); [S.I. 2004/910](#), **art. 2(1)(e)**; [S.I. 2004/641](#), **art. 3(t)** (with **Sch. 3 para. 7**); [S.I. 2004/910](#), **art. 2(1)(e)**

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F5 Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38, 46** and (S.) Criminal Procedure (Scotland) Act 1975 (c.21, SIF 39:1), **ss. 289F, 289G**

Modifications etc. (not altering text)

C1 S. 17 modified by S.I. 1985/176, art. 2(3)(ii), **Sch.** and 1986/466, art. 2(2), Schs. 1, 2

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Changes and effects yet to be applied to :

- s. 17 amendments by 2003 c. 37 s. 75 extended to Scotland by [2009 asp 6 s. 87](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(4B) inserted by [2009 asp 6 s. 84\(2\)](#)
- s. 12C inserted by [2009 asp 6 s. 89](#)
- s. 12ZA inserted by [2009 asp 6 s. 88](#)
- s. 22B inserted by [2009 asp 6 s. 86\(2\)](#)
- s. 27B inserted by [2009 asp 6 s. 90](#)