
Status: Point in time view as at 01/03/1996.

Changes to legislation: There are currently no known outstanding effects for the Energy Act 1976, Cross Heading: Entry with warrant. (See end of Document for details)

SCHEDULES

SCHEDULE 2

ADMINISTRATION AND OTHER MATTERS

Entry with warrant

- 4 (1) Subject to sub-paragraph (4) below, if a justice of the peace (in Scotland a justice of the peace or a sheriff) is satisfied, on sworn information in writing submitted on behalf of the Secretary of State, that—
- (a) admission to premises is reasonably required for any of the purposes mentioned in paragraph 3(1) above; and
 - (b) the circumstances specified in sub-paragraph (2) or, as the case may be, sub-paragraph (3) below are present,
- the justice or sheriff may issue a warrant naming a person authorised by the Secretary of State and authorising that person to enter the premises, by force if necessary.
- (2) If no Order in Council under section 3 of this Act is for the time being in force the circumstances in which a warrant may be issued are that either—
- (a) admission to the premises has been refused after, if the case is not one of urgency, not less than seven days' notice of the intention to enter had been given to the occupier; or
 - (b) application for admission would defeat the object of the entry or the premises are unoccupied.
- (3) If such an Order in Council is for the time being in force the circumstances in which a warrant may be issued are that either—
- (a) admission to the premises has been refused, or a refusal is apprehended, and notice of intention to apply for a warrant has been given to the occupier; or
 - (b) application for admission would defeat the object of the entry, or the case is one of urgency, or the premises are unoccupied or the occupier is temporarily absent.
- (4) A warrant under this paragraph—
- (a) is not to be issued authorising entry for the purpose only of securing compliance with orders under section 15 of this Act;
 - (b) except when an Order in Council under section 3 of this Act is in force, is not to be issued authorising entry for the purpose only of securing compliance with orders under section 1(1).
- (5) A person entering premises under the authority of the warrant may search the premises and take possession of any documents which he finds there and which appear to him to be relevant to the purposes for which the warrant was obtained.
- (6) Any documents of which possession is taken under this paragraph may be retained for a period of 3 months or, if within that period there are commenced any proceedings

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for an offence under this Act to which they are relevant, until the conclusion of those proceedings.

- (7) If the premises are unoccupied or the occupier is temporarily absent, the person entering them under the authority of the warrant shall leave them as effectively secured against trespassers as he found them.
- (8) The warrant continues in force until the end of one month beginning with the date on which it was issued.
- (9) References in this paragraph to premises include vehicles and vessels, but not any premises used only as a dwelling.

Modifications etc. (not altering text)

C1 Sch. 2 paras. 1–4 amended by Electricity Act 1989 (c. 29, SIF 44:1), s. 35(7), s. 112(3), **Sch. 17 para. 35(1)**

C2 Sch. 2 para. 4 amended (1.4.1992) by S.I. 1992/231(N.I. 1), art. 38(7); S.R. 1992/117, **art. 3(1)**.

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