



Housing Act 1985

1985 CHAPTER 68

PART XI **E+W**

HOUSES IN MULTIPLE OCCUPATION

General supplementary provisions

397 Warrant to authorise entry. **E+W**

- (1) Where it is shown to the satisfaction of a justice of the peace, on sworn information in writing, that admission to premises specified in the information is reasonably required by a person employed by, or acting on the instructions of, the local housing authority—
 - (a) for the purpose of survey and examination to determine whether any powers under this Part should be exercised in respect of the premises, or
 - (b) for the purpose of ascertaining whether an offence has been committed under any of the provisions of this Part listed in section 395(2),the justice may by warrant under his hand authorise that person to enter on the premises for those purposes or for such of those purposes as may be specified in the warrant.
- (2) The justice shall not grant the warrant unless he is satisfied—
 - (a) that admission to the premises has been refused and, except where the purpose specified in the information is that mentioned in subsection (1)(b), that admission was sought after not less than 24 hours' notice of the intended entry had been given to the occupier, or
 - (b) that application for admission would defeat the purpose of the entry.
- (3) The power of entry conferred by the warrant includes power to enter by force, if need be, and may be exercised by the person on whom it is conferred either alone or together with other persons.
- (4) If the premises are unoccupied or the occupier is temporarily absent, a person entering under the authority of the warrant shall leave the premises as effectively secured against trespassers as he found them.

Status: Point in time view as at 01/11/1998. This version of this provision has been superseded.

Changes to legislation: *Housing Act 1985, Section 397 is up to date with all changes known to be in force on or before 19 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (5) The warrant continues in force until the purpose for which the entry is required is satisfied.

Status:

Point in time view as at 01/11/1998. This version of this provision has been superseded.

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