



Access to Neighbouring Land Act 1992

1992 CHAPTER 23

3 Effect of access order

- (1) An access order requires the respondent, so far as he has power to do so, to permit the applicant or any of his associates to do anything which the applicant or associate is authorised or required to do under or by virtue of the order or this section.
- (2) Except as otherwise provided by or under this Act, an access order authorises the applicant or any of his associates, without the consent of the respondent,—
 - (a) to enter upon the servient land for the purpose of carrying out the specified works;
 - (b) to bring on to that land, leave there during the period permitted by the order and, before the end of that period, remove, such materials, plant and equipment as are reasonably necessary for the carrying out of those works; and
 - (c) to bring on to that land any waste arising from the carrying out of those works, if it is reasonably necessary to do so in the course of removing it from the dominant land;

but nothing in this Act or in any access order shall authorise the applicant or any of his associates to leave anything in, on or over the servient land (otherwise than in discharge of their duty to make good that land) after their entry for the purpose of carrying out works to the dominant land ceases to be authorised under or by virtue of the order.

- (3) An access order requires the applicant—
 - (a) to secure that any waste arising from the carrying out of the specified works is removed from the servient land forthwith;
 - (b) to secure that, before the entry ceases to be authorised under or by virtue of the order, the servient land is, so far as reasonably practicable, made good; and
 - (c) to indemnify the respondent against any damage which may be caused to the servient land or any goods by the applicant or any of his associates which would not have been so caused had the order not been made;

but this subsection is subject to subsections (4) and (5) below.

- (4) In making an access order, the court may vary or exclude, in whole or in part,—

Status: This is the original version (as it was originally enacted).

- (a) any authorisation that would otherwise be conferred by subsection (2)(b) or (c) above; or
 - (b) any requirement that would otherwise be imposed by subsection (3) above.
- (5) Without prejudice to the generality of subsection (4) above, if the court is satisfied that it is reasonably necessary for any such waste as may arise from the carrying out of the specified works to be left on the servient land for some period before removal, the access order may, in place of subsection (3)(a) above, include provision—
- (a) authorising the waste to be left on that land for such period as may be permitted by the order; and
 - (b) requiring the applicant to secure that the waste is removed before the end of that period.
- (6) Where the applicant or any of his associates is authorised or required under or by virtue of an access order or this section to enter, or do any other thing, upon the servient land, he shall not (as respects that access order) be taken to be a trespasser from the beginning on account of his, or any other person's, subsequent conduct.
- (7) For the purposes of this section, the applicant's "associates" are such number of persons (whether or not servants or agents of his) whom he may reasonably authorise under this subsection to exercise the power of entry conferred by the access order as may be reasonably necessary for carrying out the specified works.