

Status: Point in time view as at 01/07/2012.

Changes to legislation: Protection of Freedoms Act 2012, SCHEDULE 2 is up to date with all changes known to be in force on or before 24 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)

SCHEDULES

SCHEDULE 2 **U.K.**

Section 39(2)

REPEALS ETC. OF POWERS OF ENTRY

PART 1 **U.K.**

WATER AND ENVIRONMENT

Public Health (Control of Disease) Act 1984

- 1 (1) Omit section 50 of the Public Health (Control of Disease) Act 1984 (power in relation to England and Wales to enter and inspect canal boats).
- (2) This paragraph extends to England and Wales only.

Merchant Shipping Act 1995

- 2 (1) Omit section 258(4) of the Merchant Shipping Act 1995 (power of surveyor of ships etc. to enter premises to determine whether provisions or water intended for UK ships, including government ships, would be in accordance with safety regulations).
- (2) Sub-paragraph (1) does not apply to section 258(4) of the Act of 1995 so far as it applies for the purposes of section 256A of that Act (extension of power of entry to any member of the staff of the Scottish Administration authorised by the Scottish Ministers).
- (3) This paragraph extends to England and Wales, Scotland and Northern Ireland.

Environment Act 1995

- 3 (1) Section 108(15) of the Environment Act 1995 (powers of entry etc. of persons authorised by enforcing authorities: interpretation) is amended as follows.
- (2) After the definition of “authorised person” insert—

““domestic property” has the meaning given by section 75(5)(a) of the Environmental Protection Act 1990;”.
- (3) After the definition of “enforcing authority” insert—

““English waste collection authority” has the same meaning as in section 45A of the Environmental Protection Act 1990;”.
- (4) In the definition of “pollution control functions” in relation to a waste collection authority after “means” insert “—
 - (a) in relation to an English waste collection authority, the functions conferred or imposed on it by or under Part 2 of the Environmental Protection Act

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1990 (other than sections 45, 45A and 46 of that Act so far as relating to the collection of household waste from domestic property); and

(b) in relation to any other waste collection authority.”.

(5) This paragraph extends to England and Wales only.

PART 2 U.K.

AGRICULTURE

Dairy Herd Conversion Premium Regulations 1973 (S.I. 1973/1642)

4 (1) Omit regulation 5 of the Dairy Herd Conversion Premium Regulations 1973 (power of authorised officer to enter land to inspect livestock in respect of which a premium has been applied for etc.).

(2) Also—

(a) in regulation 2(1) of those Regulations omit the definition of “authorised officer”, and

(b) in regulation 7 of those Regulations, omit sub-paragraph (b) and the word “or” before it.

(3) This paragraph extends to England and Wales only.

Milk (Cessation of Production) Act 1985

5 (1) Omit section 2(1) of the Milk (Cessation of Production) Act 1985 (powers of entry in connection with compensation payments).

(2) Also, in section 3(1) of that Act, omit paragraph (b) and the word “or” before it.

(3) This paragraph extends to England and Wales only.

Cereals Co-responsibility Levy Regulations 1988 (S.I. 1988/1001)

6 (1) Omit regulation 8 of the Cereals Co-responsibility Levy Regulations 1988 (power of authorised officer to enter premises used in relation to cereals).

(2) Also—

(a) in regulation 9 of those Regulations omit “or 8”, and

(b) in regulation 11(d) of those Regulations for “regulations 7 or 8” substitute “regulation 7”.

(3) This paragraph extends to England and Wales only.

Oilseeds Producers (Support System) Regulations 1992 (S.I. 1992/695)

7 (1) Omit regulation 5 of the Oilseeds Producers (Support System) Regulations 1992 (power of authorised officer to enter and inspect oilseeds producers' premises).

(2) Also—

(a) in regulation 2(1) of those Regulations omit the definitions of “authorised officer”, “oilseeds” and “specified control measure”, and

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(b) omit regulations 6, 9 and 10 of those Regulations.

(3) This paragraph extends to England and Wales only.

Older Cattle (Disposal) (England) Regulations 2005 (S.I. 2005/3522)

8 (1) Omit regulation 5 of the Older Cattle (Disposal) (England) Regulations 2005 (power of inspector to enter premises for the purposes of ensuring that regulations are being complied with).

(2) This paragraph extends to England and Wales, Scotland and Northern Ireland.

Salmonella in Turkey Flocks and Slaughter Pigs (Survey Powers) (England) Regulations 2006 (S.I. 2006/2821)

9 (1) Omit regulation 6 of the Salmonella in Turkey Flocks and Slaughter Pigs (Survey Powers) (England) Regulations 2006 (power of inspector to enter a turkey holding or slaughterhouse for purposes relating to salmonella).

(2) This paragraph extends to England and Wales, Scotland and Northern Ireland.

PART 3 U.K.

MISCELLANEOUS

Distribution of German Enemy Property (No 1) Order 1950 (S.I. 1950/1642)

10 (1) Omit article 22 of the Distribution of German Enemy Property (No 1) Order 1950 (power of constable to enter premises under warrant to search for and seize German enemy property).

(2) This paragraph extends to England and Wales, Scotland and Northern Ireland.

Hypnotism Act 1952

11 (1) Omit section 4 of the Hypnotism Act 1952 (constable's power to enter premises where entertainment is held if there is reasonable cause to believe that there is a contravention of the Act).

(2) This paragraph extends to England and Wales only.

Landlord and Tenant Act 1985

12 (1) Omit section 8(2) of the Landlord and Tenant Act 1985 (power of landlord to enter premises to view their state and condition).

(2) This paragraph extends to England and Wales only.

Gas Appliances (Safety) Regulations 1995 (S.I. 1995/1629)

13 (1) Omit regulation 24(6) of the Gas Appliances (Safety) Regulations 1995 (power of authorised officer to enter premises for the purposes of surveillance of manufacturer's compliance with requirements).

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(2) This paragraph extends to England and Wales, Scotland and Northern Ireland.

Cross-border Railway Services (Working Time) Regulations 2008 (2008/1660)

14 (1) Omit paragraph 2(2)(a), (b) and (c) of Schedule 2 to the Cross-border Railway Services (Working Time) Regulations 2008 (power of Office of Rail Regulation's inspector to enter premises for the purpose of carrying the regulations into effect).

(2) This paragraph extends to England and Wales and Scotland only.

Payment Services Regulations 2009 (S.I. 2009/209)

15 (1) Omit regulation 83 of the Payment Services Regulations 2009 (power of an officer of the Financial Services Authority to enter premises used in relation to payment services).

(2) This paragraph extends to England and Wales, Scotland and Northern Ireland.

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