



## 2011 CHAPTER 21

### *Enforcement powers, etc.*

#### **Action by council**

- 12.—**(1) This section applies where—
- (a) a remedial notice requires the taking of any action; and
  - (b) that action is not taken in accordance with that notice within the compliance period or (as the case may be) after the end of that period when it is required to be taken by the notice.
- (2) Where this section applies—
- (a) a person authorised by the council may enter the neighbouring land and take the required action; and
  - (b) the council may recover any expenses reasonably incurred by that person in doing so from any person who is an owner or occupier of the land.
- (3) Expenses recoverable under this section shall be a statutory charge and binding on successive owners of the land and on successive occupiers of it.
- (4) Where expenses are recoverable under this section from two or more persons, those persons shall be jointly and severally liable for the expenses.
- (5) A person shall not enter land in the exercise of a power conferred by this section unless at least 7 days' notice of the intended entry has been given to every occupier of the land.
- (6) A person authorised under this section to enter land—
- (a) shall, if so required, produce evidence of that person's authority before entering; and

(b) shall produce such evidence if required to do so at any time while that person remains on the land.

(7) A person who enters land in the exercise of a power conferred by this section may—

- (a) use a vehicle to enter the land;
- (b) be accompanied by such other persons as may be necessary;
- (c) take onto the land equipment and materials needed for the purpose of taking the required action.

(8) If, in the exercise of a power conferred by this section, a person enters land which is unoccupied or from which all of the persons occupying the land are temporarily absent, that person must on departure leave the land as effectively secured against unauthorised entry as that person found it.

(9) A person who intentionally obstructs a person acting in the exercise of powers under this section to enter land and take action on that land is guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

(10) The exercise by a council of its functions under this section shall not render the council subject to any liability in respect of damage to any hedge, unless such damage is directly attributable to a negligent act of the council or an officer or agent of the council.