



2011 CHAPTER 21

Powers of entry

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9.—(1) Where, under this Act, a complaint has been made or a remedial notice has been issued, a person authorised by the council may enter the neighbouring land in order to obtain information required by the council for the purpose of determining—

- (a) whether this Act applies to the complaint;
- (b) whether to issue or withdraw a remedial notice;
- (c) whether to waive or relax a requirement of a remedial notice;
- (d) whether a requirement of a remedial notice has been complied with.

(2) Where an appeal has been made under section 7, a member of, or person authorised by, the Valuation Tribunal may enter the neighbouring land in order to obtain information required for the purpose of determining the appeal.

(3) A person shall not enter land in the exercise of a power conferred by this section unless at least 24 hours' notice of the intended entry has been given to every occupier of the land.

(4) 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.

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

- (a) be accompanied by such other persons as may be necessary;
- (b) take onto the land equipment and materials needed in order to obtain the information required;
- (c) take samples of any trees or shrubs that appear to that person to form part of a high hedge.

(6) 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.

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