

## SCHEDULES

### SCHEDULE 2

#### STATUTORY NUISANCES: SUPPLEMENTARY PROVISIONS

##### *Powers of entry etc.*

3.—(1) Any person authorised by a district council may on production (if so required) of that person's authority—

- (a) enter or open a vehicle, machinery or equipment, if necessary by force, or
- (b) remove a vehicle, machinery or equipment from a street to a secure place,

for the purpose of taking any action, or executing any work, authorised by or required under Part 7 in relation to a statutory nuisance within section 63(1)(j) caused by noise emitted from or caused by the vehicle, machinery or equipment.

(2) On leaving any unattended vehicle, machinery or equipment entered or opened under sub-paragraph (1), the authorised person shall (subject to sub-paragraph (3)) leave it secured against interference or theft in such manner and as effectually as it was found.

(3) If the authorised person is unable to comply with sub-paragraph (2), that person shall for the purpose of securing the unattended vehicle, machinery or equipment either—

- (a) immobilise it by such means as are considered expedient, or
- (b) remove it from the street to a secure place.

(4) In carrying out any function under sub-paragraph (1), (2) or (3), the authorised person shall not cause more damage than is necessary.

(5) Before a vehicle, machinery or equipment is entered, opened or removed under sub-paragraph (1), the district council shall notify the police of the intention to take action under that sub-paragraph.

(6) After a vehicle, machinery or equipment has been removed under sub-paragraph (1) or (3), the district council shall notify the police of its removal and current location.

(7) Notification under sub-paragraph (5) or (6) may be given to the police at any police station in the district of the district council.

(8) For the purposes of section 67(6), any expenses reasonably incurred by a district council under sub-paragraph (2) or (3) shall be treated as incurred by the

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**Changes to legislation:** There are currently no known outstanding effects for the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011, Paragraph 3. (See end of Document for details)

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council under section 67(5) in abating or preventing the recurrence of the statutory nuisance in question.

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**Modifications etc. (not altering text)**

- C1** Sch. 2 paras. 2-4 applied by SI 1981/158 (N.I. 4) art. 40(2) (as amended) (1.4.2012) by Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23), s. 78, **Sch. 3 para. 10(2)**; S.R. 2012/13, art. 2(2), Sch. 2

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**Commencement Information**

- I1** Sch. 2 para. 3 in operation at 18.1.2012 for specified purposes by S.R. 2012/13, art. 2(1), **Sch. 1**
- I2** Sch. 2 para. 3 in operation at 1.4.2012 in so far as not already in operation by S.R. 2012/13, art. 2(2), **Sch. 2**

**Changes to legislation:**

There are currently no known outstanding effects for the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011, Paragraph 3.