
Changes to legislation: There are currently no known outstanding effects for the Building (Scotland) Act 2003, Paragraph 2. (See end of Document for details)

SCHEDULE 4

POWERS OF ENTRY, INSPECTION AND TESTING: FURTHER PROVISION

- 2 (1) If a sheriff or justice of the peace is satisfied, by evidence on oath, that—
- (a) there are reasonable grounds for the exercise in relation to any premises of a power conferred by section 39(1) or (3), and
 - (b) one or more of the conditions specified in sub-paragraph (2) is fulfilled in relation to those premises,
- the sheriff or justice may by warrant authorise the Scottish Ministers or, as the case may be, the local authority and any person authorised by them or it for the purpose to exercise the power in relation to those premises in accordance with the warrant and, if need be, by force.
- (2) The conditions mentioned in sub-paragraph (1) are—
- (a) that the exercise of the power in relation to the premises has been refused,
 - (b) that such a refusal is reasonably apprehended,
 - (c) that the premises are unoccupied,
 - (d) that the occupier is temporarily absent from the premises,
 - (e) that the case is one of urgency,
 - (f) that an application for admission to the premises would defeat the object of the proposed entry.
- (3) A sheriff or justice must not issue a warrant under this schedule by virtue only of being satisfied that a condition specified in sub-paragraph (2)(a) or (b) is fulfilled unless the sheriff or justice is also satisfied—
- (a) that notice of the intention to apply for the warrant has been given to the occupier of the premises, or
 - (b) that the giving of such notice would defeat the object of the proposed entry.
- (4) A warrant under this schedule continues in force until the purpose for which the warrant was issued has been fulfilled or, if earlier, the expiry of such period as the warrant may specify.

Commencement Information

II Sch. 4 para. 2 in force at 1.5.2005 by S.S.I. 2004/404, art. 2(1)

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