



Flood Risk Management (Scotland) Act 2009

2009 asp 6

PART 6

POWERS OF ENTRY AND COMPENSATION

Powers of entry

80 Warrants authorising entry

- (1) A sheriff or justice of the peace may by warrant authorise any person entitled to exercise a right conferred by section 79 to do so, if necessary using reasonable force, in accordance with the warrant.
- (2) A warrant may be granted under subsection (1) only if the sheriff or justice is satisfied, by evidence on oath—
 - (a) that there are reasonable grounds for the exercise of the right in relation to the land concerned, and
 - (b) that—
 - (i) the conditions in subsection (3) are satisfied,
 - (ii) the land is unoccupied, or
 - (iii) the case is one of urgency.
- (3) The conditions mentioned in subsection (2)(b)(i) are—
 - (a) the person applying for the warrant has given notice under section 81(3) of the person's intention to exercise the right,
 - (b) the notice period has expired,
 - (c) either—
 - (i) permission to exercise the right in relation to the land has been refused, or
 - (ii) such a refusal is reasonably expected.
- (4) A warrant granted under this section—
 - (a) does not entitle a person to use force against an individual, and

Status: This is the original version (as it was originally enacted).

- (b) 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.
- (5) Any person who, without reasonable excuse, prevents or obstructs any other person from doing anything which is authorised by a warrant granted under this section commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.