



Tobacco and Primary Medical Services (Scotland) Act 2010

2010 asp 3

PART 1

TOBACCO PRODUCTS ETC.

CHAPTER 3

ENFORCEMENT AND FIXED PENALTIES

Powers of entry etc.

29 Warrants for entry

- (1) A sheriff may by warrant authorise a council officer to enter (if necessary using reasonable force) any premises (other than premises used only as a private dwelling house) for the purpose of carrying out a council's functions under this Part.
- (2) A warrant may be granted under subsection (1) only if the sheriff is satisfied by evidence on oath—
 - (a) that there are reasonable grounds for entering the premises in question, and
 - (b) that—
 - (i) entry to the premises has been or is likely to be refused and that notice of intention to apply for a warrant under this section has been given to the occupier,
 - (ii) a request for entry, or the giving of such notice, would defeat the object of the entry,
 - (iii) the premises are unoccupied, or
 - (iv) the occupier is temporarily absent and it might defeat the object of the entry to await the occupier's return.
- (3) A warrant granted under this section continues in force until the end of the period of one month beginning with the date on which it is granted.