



# Reservoirs (Scotland) Act 2011

## 2011 asp 9

### PART 1

#### RESERVOIRS

#### CHAPTER 9

#### CIVIL ENFORCEMENT, EMERGENCY POWERS AND FURTHER OFFENCES

#### *Miscellaneous*

#### **92 Warrants authorising entry**

- (1) A sheriff or justice of the peace may by warrant authorise any person entitled to exercise a right of entry under section 91 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 as to both of the following—
  - (a) that there are reasonable grounds for the exercise of the right in relation to the land concerned,
  - (b) that any of the following applies—
    - (i) the conditions in subsection (3) are satisfied,
    - (ii) the land is unoccupied, or
    - (iii) the case is one of urgency.
- (3) The conditions referred to in subsection (2)(b)(i) are—
  - (a) that the person applying for the warrant has given notice under section 93(3) (a) of the person's intention to exercise the right,
  - (b) that the notice period has expired,
  - (c) that either—
    - (i) permission to exercise the right in relation to the land has been refused, or
    - (ii) such a refusal is reasonably expected.

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**Changes to legislation:** There are currently no known outstanding effects for the Reservoirs (Scotland) Act 2011, Section 92. (See end of Document for details)

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- (4) A warrant granted under this section—
- (a) does not entitle a person to use force against an individual,
  - (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.

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**Commencement Information**

**II** [S. 92](#) in force at 1.4.2015 by [S.S.I. 2015/63](#), art. 2, [Sch.](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Reservoirs (Scotland) Act 2011, Section 92.