



Forestry and Land Management (Scotland) Act 2018

2018 asp 8

PART 4

FELLING

CHAPTER 8

COMPLIANCE

Powers of entry and step-in power: application to court

60 Powers of entry and step-in power: application to court

- (1) This section applies to the powers in sections 45, 51, 52, 53 and 59.
- (2) A sheriff, a summary sheriff or a justice of the peace may by warrant authorise the Scottish Ministers—
 - (a) to enter the land concerned, and
 - (b) if necessary, to use reasonable force in doing so.
- (3) A warrant may be granted only if the sheriff, summary sheriff or justice is satisfied, by evidence on oath—
 - (a) that there are reasonable grounds under section 45, 51, 52, 53 or (as the case may be) 59 for entering the land concerned, and
 - (b) that—
 - (i) entry to the land has been refused,
 - (ii) such a refusal is reasonably expected,
 - (iii) the land is unoccupied, or
 - (iv) the occupier is temporarily absent.
- (4) A warrant may not authorise—
 - (a) entry to Crown land,

Changes to legislation: *There are currently no known outstanding effects for the Forestry and Land Management (Scotland) Act 2018, Cross Heading: Powers of entry and step-in power: application to court. (See end of Document for details)*

- (b) entry to a dwelling, or
 - (c) the use of force against an individual.
- (5) A warrant expires—
- (a) when it is no longer needed for the purpose for which it was granted, or
 - (b) if earlier, when any period as may be specified in it expires.

Commencement Information

II S. 60 in force at 1.4.2019 by S.S.I. 2019/47, reg. 2 (with regs. 3-22)

Changes to legislation:

There are currently no known outstanding effects for the Forestry and Land Management (Scotland) Act 2018, Cross Heading: Powers of entry and step-in power: application to court.