

SCHEDULE 3

APPLICATION OF PART II OF ACT OF 1961 AS AMENDED TO SCOTLAND

PART III

PART II OF ACT OF 1961, AS AMENDED, IN ITS APPLICATION TO SCOTLAND

" AMENDMENTS OF HOUSING (SCOTLAND) ACT 1950

Houses in multiple occupation

- 23C (1) Where it is shown to the satisfaction of a justice of the peace, on sworn information in writing, that admission to premises specified in the information is reasonably required by a person employed by, or acting on the instructions of, a local authority for the purpose—
- (a) of survey and examination to determine whether any powers under this Part of this Act should be exercised in respect of the premises, or
 - (b) of ascertaining whether there has been a contravention of any regulations or direction made or given under this Part,
- the justice, subject to this section, may by warrant under his hand authorise that person to enter on the premises for the purposes mentioned in paragraphs (a) and (b) above, or for such of those purposes as may be specified in the warrant.
- (2) A justice of the peace shall not grant a warrant under this section unless he is satisfied—
- (a) that admission to the premises has been refused and, except where the purpose specified in the information is the survey and examination of premises to determine whether there has been a failure to comply with a notice under section 14, section 15 or section 16 of this Act, or is to ascertain whether there has been a contravention of any regulations or direction made or given under Part II of this Act, that admission was sought after not less than twenty-four hours' notice of the intended entry had been given to the occupier, or
 - (b) that an application for admission to the premises would defeat the object of the entry.
- (3) Every warrant granted under this section shall continue in force until the purpose for which the entry is required has been satisfied.
- (4) Any person who, in the exercise of a right of entry under this section, enters any premises which are unoccupied, or premises of which the occupier is temporarily absent, shall leave the premises as effectually secured against trespassers as he found them.
- (5) Any power of entry conferred by this section—
- (a) shall include power to enter, if need be, by force, and
 - (b) may be exercised by the person on whom it is conferred either alone or together with any other persons.
- (6) In this section any reference to a justice of the peace shall include a reference to the sheriff and to a magistrate.