



Planning (Hazardous Substances) (Scotland) Act 1997

1997 CHAPTER 10

General

34 Power to issue warrants.

- (1) If in relation to rights of entry exercised under section 33, the sheriff is satisfied—
 - (a) that there are reasonable grounds for entering any land for any of the purposes mentioned in that section, and
 - (b) that—
 - (i) admission to the land has been refused, or a refusal is reasonably apprehended, or
 - (ii) the case is one of urgency,he may issue a warrant authorising any person duly authorised in writing to enter the land.
- (2) For the purposes of subsection (1)(b)(i) admission to land shall be regarded as having been refused if no reply is received to a request for admission within a reasonable period.
- (3) A warrant authorises entry on one occasion only and that entry must be—
 - (a) within one month from the date of the issue of the warrant, and
 - (b) at a reasonable hour, unless the case is one of urgency.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Planning (Hazardous Substances) (Scotland) Act 1997. Any changes that have already been made by the team appear in the content and are referenced with annotations.

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 10(2A) inserted by S.S.I. 2007/569 reg. 4(a)
- s. 10(2B) inserted by 2008 c. 29 Sch. 2 para. 62(2)
- s. 15(3) inserted by 2004 c. 5 Sch. 5 para. 21
- s. 30A inserted by 2004 c. 5 s. 90(3)
- s. 30B 30C inserted by 2004 c. 5 s. 94(5)
- s. 30D inserted by S.S.I. 2006/269 art. 5(4)
- s. 31(5)(ba) inserted by 2004 c. 5 Sch. 5 para. 8(4)
- s. 31(5A) inserted by S.I. 2017/524 Sch. 5 para. 27(b)
- s. 31(7)-(9) inserted by 2004 c. 5 Sch. 5 para. 8(5)
- s. 32A inserted by 2004 c. 5 Sch. 5 para. 13
- s. 35A inserted by 2004 c. 5 Sch. 5 para. 16
- s. 36(1) s. 36 renumbered as s. 36(1) by 2004 c. 5 Sch. 5 para. 22(2)
- s. 36(2) added by 2004 c. 5 Sch. 5 para. 22(2)
- Sch. para. 6(7) inserted by 2004 c. 5 s. 91(3)

Commencement Orders yet to be applied to the Planning (Hazardous Substances) (Scotland) Act 1997

Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2004/2097 art. 2 commences (2004 c. 5)
- S.I. 2006/1281 art. 2-4 commences (2004 c. 5)
- S.I. 2010/101 art. 2-5 commences (2008 c. 29)
- S.I. 2011/2329 art. 2 3 commences (2011 c. 5)
- S.S.I. 2006/101 art. 2 Sch. commences ()
- S.S.I. 2006/268 art. 3 commences (2004 c. 5)