



# Agriculture (Scotland) Act 1948

1948 CHAPTER 45 11 and 12 Geo 6

## PART VII GENERAL

### *Supplementary*

#### **82 Provisions as to entry and inspection.**

- (1) Any person authorised by the Secretary of State in that behalf shall have power at all reasonable times to enter on and inspect any land for the purpose of determining whether, and if so in what manner, any of the powers conferred on the Secretary of State by this Act are to be exercised in relation to the land, or whether, and if so in what manner, any direction given under any such power has been complied with.
- (2) Any person authorised by the Secretary of State who proposes to exercise any power of entry or inspection conferred by this Act shall if so required produce some duly authenticated document showing his authority to exercise the power.
- (3) Admission to any land shall not be demanded as of right in the exercise of any such power as aforesaid—
  - (a) if the power is being exercised for determining whether the land is to be acquired under Part IV or Part V of this Act, or
  - (b) if the land is being used for residential purposes,unless twenty-four hours notice of the intended entry has been given to the occupier of the land.
- (4) Save as provided by the last foregoing subsection, admission to any land shall not be demanded as of right in the exercise of any such power as aforesaid . . . <sup>F1</sup> unless notice has been given to the occupier of the land that it is proposed to enter during a period, specified in the notice, not exceeding fourteen days and beginning at least twenty-four hours after the giving of the notice, and the entry is made on the land during the period specified in the notice:

Provided that where the power of entry is being exercised for the purpose of taking measures to secure compliance with a direction or requirement under the provisions . . .

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*Changes to legislation: There are currently no known outstanding effects for the Agriculture (Scotland) Act 1948, Section 82. (See end of Document for details)*

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<sup>F1</sup> of section thirty-five or of Part III of this Act, and notice is given in accordance with this subsection on the first occasion on which the power is exercised, no further notice shall be required before entering on the land on a subsequent occasion in connection with the taking of the measures.

- (5) Where notice is served in a case falling within the proviso to the last foregoing subsection, and the person to whom the direction therein referred to was given, or on whom the requirement therein referred to was imposed, is not the occupier of the land, a like notice shall be served on that person.
- (6) Any notice served in pursuance of the last foregoing subsection or the proviso therein referred to may be served in like manner as the notice giving the said direction or imposing the said requirement.
- (7) Any person who, in any case for which no penalty is provided by the foregoing provisions of this Act [<sup>F2</sup>obstructs the exercise of any such power as aforesaid or of any other power conferred by subsection (2) of section forty-one of this Act] shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F3</sup>level 2 on the standard scale] in the case of a first offence or [<sup>F3</sup>level 2 on the standard scale] in the case of a second or any subsequent offence.

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#### **Textual Amendments**

- F1** Words repealed by [Agriculture Act 1958 \(c. 71\), Sch. 2 Pt. I](#)
- F2** Words substituted by [Pests Act 1954 \(c. 68\), s. 5\(2\)](#)
- F3** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), ss. 289\(4\)\(5\), 289G](#)
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#### **Modifications etc. (not altering text)**

- C1** [S. 82](#) explained by [Pests Act 1954 \(c. 68\), s. 1\(13\)\(14\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Agriculture (Scotland) Act 1948, Section 82.