

SCHEDULE 2 LICENCES AND COMPLIANCE: FURTHER PROVISION

Warrants

- 7 (1) If a sheriff or justice of the peace is satisfied, by evidence on oath, that—
- (a) there are reasonable grounds for the exercise in relation to any premises of a power mentioned in paragraph 5(2); and
 - (b) at least one of the conditions mentioned in sub-paragraph (2) is fulfilled in relation to the premises,
- the sheriff or justice may grant a warrant authorising the Commission (and any person authorised by the Commission for the purpose) to exercise the power in relation to the premises in accordance with the terms of the warrant and, if need be, by force.
- (2) The conditions are—
- (a) that the exercise of the power in relation to the premises has been refused;
 - (b) that such a refusal may reasonably be expected;
 - (c) that the premises are unoccupied;
 - (d) that the occupier is temporarily absent from the premises;
 - (e) that the case is one of urgency;
 - (f) that an attempt to gain entry to the premises without the authority of a warrant would defeat the object of the proposed entry.
- (3) A sheriff or justice must not issue a warrant under this paragraph by virtue of being satisfied that a condition mentioned in head (a) or (b) of sub-paragraph (2) is fulfilled unless the sheriff or justice is also satisfied—
- (a) that notice of the intention to apply for the warrant has been given to the occupier of the premises; or
 - (b) that the giving of such notice would defeat the object of the proposed entry.
- (4) A warrant granted under this paragraph continues in force until the purposes for which the warrant is issued have been fulfilled.