



# Housing (Scotland) Act 2006

## 2006 asp 1

### PART 9

#### RIGHTS OF ENTRY

#### 182 Warrants authorising entry

- (1) A sheriff or a justice of the peace may by warrant authorise any person entitled to exercise a right conferred by subsection (1) or (2) of section 181 to do so, if necessary using reasonable force, in accordance with the warrant.
- (2) A warrant may be granted under subsection (1) only if the sheriff or justice is satisfied, by evidence on oath—
  - (a) that there are reasonable grounds for the exercise of the right in relation to the land or premises concerned, and
  - (b) that—
    - (i) the exercise of the right in relation to the land or premises has been refused,
    - (ii) such a refusal is reasonably expected,
    - (iii) the land is, or premises are, unoccupied,
    - (iv) the occupier is temporarily absent,
    - (v) the case is one of urgency, or
    - (vi) that an application for admission would defeat the object of the proposed entry.
- (3) A sheriff or justice may not be satisfied that a condition specified in any of heads (ii) to (iv) of subsection (2)(b) is met unless the sheriff or justice is also satisfied that notice of intention to apply for a warrant has been given to the occupier of the land or premises concerned.