

These notes relate to the Glasgow Commonwealth Games Act 2008 (asp 4) which received Royal Assent on 10 June 2008

GLASGOW COMMONWEALTH GAMES ACT 2008

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Enforcement

Section 26: Further restrictions on entering houses

59. This section places further restrictions on the powers of enforcement officers when the place they wish to enter is a house or can only be entered through a house. Under subsection (1) they can only enter such a place if permitted to do so by someone residing there or if granted a warrant by a sheriff.
60. Subsection (2) provides that an enforcement officer may only enter a house at a reasonable time and if accompanied by a police constable. This applies even if the occupier gives permission for entry.
61. Subsections (3) and (4) set out the conditions of which a sheriff must be satisfied before issuing a warrant to enter a house. It requires the enforcement officer to demonstrate to the sheriff that the officer has reasonable grounds for taking action under section 22 or 24 and that the officer has been refused entry, that such a refusal is reasonably expected (and, in certain circumstances, that the occupants have been notified), that the house is unoccupied, that the occupier is temporarily absent, that the case is one of urgency or that notifying the resident of the officer's intentions would defeat the object of the proposed action.
62. Subsection (5) provides that a warrant expires when it is no longer required for the purpose for which it was granted or, if earlier, on the day specified by the sheriff.