



# Flood Risk Management (Scotland) Act 2009

2009 asp 6

## PART 6

### POWERS OF ENTRY AND COMPENSATION

#### *Powers of entry*

#### **81 Powers of entry: supplementary**

- (1) A right to enter any land conferred by section 79 includes a right to—
  - (a) enter for the same purpose any land adjacent to it, and
  - (b) survey and examine the land.
- (2) Any person who enters any land in exercise of a right conferred by section 79 is entitled, subject in the case of a right exercisable in accordance with a warrant to the terms of the warrant, to—
  - (a) take on to the land such other persons and such materials and equipment (including vehicles) as may be reasonably required for the purposes of assisting the person, and
  - (b) do anything else which is reasonably required in order to fulfil the purpose for which entry is taken.
- (3) Before any such person exercises any such right, the occupant of the land concerned must be given—
  - (a) where—
    - (i) the person exercising any such right intends to take heavy equipment onto the land concerned or entry is sought to a house, and
    - (ii) the right being exercised is not being exercised in accordance with a warrant,  
at least 7 days' notice,
  - (b) in any other case, at least 24 hours' notice.

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*Status: This is the original version (as it was originally enacted).*

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- (4) A right to enter any land conferred by section 79 may be exercised only at a reasonable time.
- (5) Subsections (3) and (4) do not apply to the exercise of—
- (a) a right under section 79(2)(f), or
  - (b) if the situation is urgent, a right under section 79(1)(l).
- (6) A person authorised to exercise any right conferred by section 79 must, if required to do so, produce written evidence of that authorisation.
- (7) In subsection (3)(a)(i)—
- “heavy equipment” does not include vehicles designed solely or mainly for the carriage of passengers,
  - “house” has the meaning given in section 194(1) of the [Housing \(Scotland\) Act 2006 \(asp 1\)](#).
- (8) In this section and section 82, references to a right to enter land conferred by section 79 include references to that right exercised in accordance with a warrant granted under section 80.