

*These notes relate to the Reservoirs (Scotland) Act 2011  
(asp 9) which received Royal Assent on 12 April 2011*

# **RESERVOIRS (SCOTLAND) ACT 2011**

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## **EXPLANATORY NOTES**

### **THE ACT – SECTION BY SECTION**

#### **Part 1 – Reservoirs**

#### ***Chapter 9 – Civil Enforcement, Emergency Powers and Further Offences***

#### ***Section 92 – Warrants authorising entry***

127. This section enables a sheriff or justice of the peace to grant a warrant to any person entitled to exercise a power of entry under section 91 to do so. A warrant allows the person authorised to use reasonable force but does not allow the use of force against individuals (see subsections (1) and (4)(a)).
128. Subsections (2) and (3) set out the circumstances in which a warrant may be granted. These require the sheriff or justice of the peace to be satisfied by evidence on oath that there are reasonable grounds for seeking entry to the land, that permission to enter has been refused or a refusal is reasonably expected, the land is unoccupied, or where the case is urgent. Where the case is not urgent and a warrant is sought on the basis that permission to enter has been refused or a refusal is expected then the applicant, SEPA must first have given notice that they intend to enter the land and the notice period must have expired. The notice periods are set out in section 92(3) and 93(3)(a).