



Reservoirs (Scotland) Act 2011

2011 asp 9

PART 1

RESERVOIRS

CHAPTER 9

CIVIL ENFORCEMENT, EMERGENCY POWERS AND FURTHER OFFENCES

Miscellaneous

92 Warrants authorising entry

- (1) A sheriff or justice of the peace may by warrant authorise any person entitled to exercise a right of entry under section 91 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 as to both of the following—
 - (a) that there are reasonable grounds for the exercise of the right in relation to the land concerned,
 - (b) that any of the following applies—
 - (i) the conditions in subsection (3) are satisfied,
 - (ii) the land is unoccupied, or
 - (iii) the case is one of urgency.
- (3) The conditions referred to in subsection (2)(b)(i) are—
 - (a) that the person applying for the warrant has given notice under section 93(3) (a) of the person's intention to exercise the right,
 - (b) that the notice period has expired,
 - (c) that either—
 - (i) permission to exercise the right in relation to the land has been refused, or
 - (ii) such a refusal is reasonably expected.

Status: This is the original version (as it was originally enacted).

- (4) A warrant granted under this section—
- (a) does not entitle a person to use force against an individual,
 - (b) continues in force until the purpose for which the warrant was issued has been fulfilled or, if earlier, the expiry of such period as the warrant may specify.