



# Forestry and Land Management (Scotland) Act 2018

2018 asp 8

## PART 4

### FELLING

## CHAPTER 8

### COMPLIANCE

*Powers of entry and step-in power: further provision*

#### **62 Powers of entry and step-in power: further provision**

- (1) Subsections (2) to (8) apply to the powers in sections 45, 50, 51, 52, 53 and 59.
- (2) The Scottish Ministers may—
  - (a) take onto the land such other persons and such materials and equipment (including vehicles) as may be reasonably required for the purpose of assisting the Scottish Ministers to exercise the power,
  - (b) do anything else which is reasonably required for that purpose,
  - (c) take samples of things on the land,
  - (d) mark anything on the land for identification purposes,
  - (e) require access to, inspect and take copies of, or extracts from, any information on the land,
  - (f) take away any information to enable it to be copied or kept as evidence,
  - (g) require access to, inspect and check the operation of any computer and any associated apparatus or material and, for this purpose, require any person having charge of, or otherwise concerned with the operation of, any computer, apparatus or material to give the Scottish Ministers such assistance as they may reasonably require,
  - (h) where information is kept by means of a computer, require it to be produced in a form in which it can be taken away.

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*Status: This is the original version (as it was originally enacted).*

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- (3) The power may be exercised only at a reasonable time.
- (4) The power does not authorise entry to a dwelling.
- (5) A person exercising the power must on request produce written evidence of the person's entitlement to do so.
- (6) If the Scottish Ministers cause damage in exercising the power, the Scottish Ministers must—
  - (a) take reasonable steps to remedy the damage, or
  - (b) if it is not possible to remedy the damage, pay compensation for it.
- (7) If the Scottish Ministers enter unoccupied land in exercising the power, they must leave the land as effectively secured against unauthorised entry as they found it.
- (8) If the Scottish Ministers cause loss or damage by failing to comply with subsection (7), they must pay compensation for the loss or damage.
- (9) References in the following provisions to the Scottish Ministers include reference to persons authorised in writing by the Scottish Ministers—
  - (a) section 45(11),
  - (b) section 50(1),
  - (c) section 51(2),
  - (d) section 52(2),
  - (e) section 53(2),
  - (f) section 59,
  - (g) subsections (2), (6), (7) and (8).