



# Wildlife Management and Muirburn (Scotland) Act 2024

2024 asp 4

## PART 3

### MISCELLANEOUS AND GENERAL PROVISIONS

#### *Enforcement provisions*

PROSPECTIVE

#### **24 Powers of entry, search and seizure with warrant**

- (1) A sheriff or justice of the peace may grant a warrant under this section if the sheriff or justice of the peace is satisfied—
- (a) by evidence on oath, that there are reasonable grounds for suspecting—
    - (i) that an offence under [section 1, 2, 3 or 12](#) has been, or is being, committed at the premises, or
    - (ii) that there is evidence at the premises of the commission of an offence under [section 1, 2, 3 or 12](#), and
  - (b) condition A or condition B has been satisfied in relation to the premises.
- (2) Condition A is—
- (a) admission to the premises has been refused or a refusal may be reasonably expected, and
  - (b) notice of the intention to seek a warrant has been given to the occupier of the premises, or the giving of such notice would frustrate the purpose for which the warrant is sought.
- (3) Condition B is—
- (a) that the premises are unoccupied, or
  - (b) that the occupier is temporarily absent.
- (4) A warrant granted under this section remains in force until—

*Status: This version of this provision is prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Wildlife Management and Muirburn (Scotland) Act 2024, Section 24. (See end of Document for details)*

- (a) it is no longer required for the purpose for which it is granted, or
  - (b) otherwise, the expiry of the period of 28 days beginning with the day on which it was granted.
- (5) A warrant granted under this section may authorise a constable to—
- (a) enter the premises by force if necessary,
  - (b) search the premises and any person found in the premises,
  - (c) seize and retain any item or material found on the premises, or on any person in the premises, if the constable has reasonable grounds for suspecting that it may provide evidence of the commission of an offence under section 1, 2, 3 or 12.
- (6) A constable may take to a place entered by virtue of this section any other person, or any equipment, as may be necessary for the purposes of assisting the constable (and such a person is to act under the constable’s direction at all times).
- (7) A constable who is authorised by a warrant granted under this section to seize and detain material may, if the material is only capable of being looked at, read, watched or listened to (as the case may be) after conversion from data stored in another form, require that the material—
- (a) be converted into such a form in a way which enables it to be taken away, or
  - (b) be produced in a form which is capable of being taken away and from which it can be readily converted.
- (8) In this section, “premises” includes any—
- (a) land or building,
  - (b) vehicle, vessel, trailer, aircraft or hovercraft,
  - (c) tent or moveable structure,
- (whether or not the premises are used wholly or mainly as a private dwelling).
- (9) In this section and in section 25, “constable” has the same meaning as in section 99(1) of the Police and Fire Reform (Scotland) Act 2012.

#### Commencement Information

- II** S. 24 not in force at Royal Assent, see [s. 35\(2\)](#)

**Status:**

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**Changes to legislation:**

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