

SCHEDULE 2

PART 1

Modification of Part 1 of the 1982 Act

Warrants authorising entry and inspection

3. After section 5 (Rights of entry and inspection), insert—

“Warrants authorising entry and inspection

5A.—(1) A sheriff or a justice of the peace may by warrant authorise any person entitled to exercise a right conferred by section 5(1) 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 that there are reasonable grounds for the exercise of the right in relation to the premises concerned, and that one of the conditions at subsection (3) is met.

(3) The conditions are that—

- (a) the exercise of the right in relation to the premises has been refused,
- (b) the case is one of urgency,
- (c) a request for entry to the premises, made to a holder of the licence, would defeat the object of the proposed entry,
- (d) the sheriff or justice of the peace is satisfied that the notice of intention to apply for a warrant has been given to a holder of the licence for the premises concerned, and that,
 - (i) refusal of the exercise of the right in relation to the premises is reasonably expected,
 - (ii) the land is, or premises are, unoccupied, or
 - (iii) the occupier is temporarily absent.

(4) This section applies only to the exercise of a right conferred by section 5(1) where that right is exercised in relation to a short-term let.”.