
Changes to legislation: There are currently no known outstanding effects for the Coal Industry Act 1994, Cross Heading: Warrants. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE 1C

SUPPLEMENTAL PROVISIONS WITH RESPECT TO POWERS OF ENTRY: SCOTLAND

Textual Amendments

- F1** Sch. 1C inserted (20.6.2005) by *Water Services etc. (Scotland) Act 2005 (asp 3)*, s. 37(2), **sch. 4** (with s. 36); *S.S.I. 2005/351*, art. 2, sch. 1

Warrants

- 2 (1) If a sheriff or justice of the peace is satisfied, by evidence on oath, that—
- (a) there are reasonable grounds for the exercise in relation to any premises of a power mentioned in section 4E(3) or (4) of this Act; and
 - (b) at least one of the conditions mentioned in sub-paragraph (2) below is fulfilled in relation to the premises,
- the sheriff or justice may grant a warrant authorising the Authority (and any person authorised by the Authority for the purpose) to exercise the power in relation to the premises in accordance with the terms of the warrant and, if need be, by force.
- (2) The conditions are—
- (a) that the exercise of the power in relation to the premises has been refused;
 - (b) that such a refusal may reasonably be expected;
 - (c) that the premises are unoccupied;
 - (d) that the occupier is temporarily absent from the premises and the case is one of urgency.
- (3) In a case where subsections (5) and (6) of section 4E of this Act apply, a sheriff or justice shall not issue a warrant under this paragraph by virtue of being satisfied that a condition mentioned in head (a) or (b) of sub-paragraph (2) above is fulfilled unless the sheriff or justice is also satisfied that notice required by subsection (5)(a) of that section has been given and that the period of that notice has expired.
- (4) A warrant granted under this paragraph continues in force until the purposes for which the warrant is issued have been fulfilled.]

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