

SCHEDULE 3 POWERS OF ENTRY AND INSPECTION

Grant of warrants

- 2 (1) A sheriff must not grant the warrant unless satisfied—
- (a) that the Commissioner has given seven days' notice in writing to the occupier of the premises demanding access to them; and
 - (b) that either—
 - (i) access was demanded at a reasonable hour and was unreasonably refused; or
 - (ii) although entry to the premises was granted, the occupier unreasonably refused to comply with a request by the Commissioner, or any member of the Commissioner's staff, to permit the Commissioner or any such member of staff to do any of the things referred to in paragraph 1(2); and
 - (c) that the occupier has, after the refusal, been notified by the Commissioner of the application for the warrant and has had an opportunity of being heard by the sheriff on the question of whether or not it should be granted.
- (2) Sub-paragraph (1) does not apply if the sheriff is satisfied that the case is one of urgency or that compliance with the provisions of that sub-paragraph would defeat the object of the entry.