

SCHEDULE 4
POWERS OF ENTRY OF AUTHORISED PERSONS: FURTHER PROVISION

Warrant for entry

- 2 (1) If a sheriff or justice of the peace is satisfied, by evidence on oath, that there are reasonable grounds for a person authorised by SNH or, as the case may be, the Scottish Ministers to enter any land (other than a dwelling or lockfast premises) for any of the purposes mentioned in section 44(1) and (2) and that—
- (a) admission to the land has been refused,
 - (b) such refusal is reasonably apprehended,
 - (c) the land is unoccupied,
 - (d) the occupier is temporarily absent from the land, or
 - (e) an application for admission to the land would defeat the object of the proposed entry,
- the sheriff or justice may grant a warrant authorising the person to enter the land, if necessary using reasonable force.
- (2) A sheriff or justice must not grant a warrant under sub-paragraph (1) by virtue only of being satisfied that a condition specified in sub-paragraph (1)(a) or (b) is fulfilled unless the sheriff or justice is satisfied that—
- (a) notice of the intended entry has been given in accordance with sub-paragraph (1)(b) or (c) of paragraph 1, or
 - (b) such notice is not, by virtue of sub-paragraph (1)(a) of that paragraph, required.
- (3) A warrant under this schedule continues in force until the purpose for which the entry is required has been satisfied or, if earlier, the expiry of such period as the warrant may specify.