

These notes relate to the Glasgow Commonwealth Games Act 2008 (asp 4) which received Royal Assent on 10 June 2008

GLASGOW COMMONWEALTH GAMES ACT 2008

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Enforcement

Section 25: Use of reasonable force

56. Unless the owner or occupier of a place that an enforcement officer requires to enter consents to such entry some measure of force will generally be required in order to effect entry. Subsection (1) allows an enforcement officer to use, or authorise the use of, reasonable force when taking enforcement action under section 22 (general enforcement powers) or 24 (entry and search). Force may be used, however, only where the enforcement officer is accompanied by a police constable and if the use of force has been authorised by warrant issued by a sheriff or the police constable reasonably believes that there is a real risk that the delay caused by seeking such a warrant would defeat or prejudice the purpose of taking action. This power could for example be used to authorise a locksmith to use reasonable force to gain entry to a place. The enforcement officer cannot, however, use or authorise the use of reasonable force against an individual.
57. Subsection (3) provides that the sheriff may grant a warrant only if satisfied that the use of reasonable force is necessary for the purpose of taking enforcement action.
58. By virtue of subsection (4) a warrant expires when it is no longer required for the purpose for which it was granted or, if earlier, on the date specified by the sheriff.