



Forth Crossing Act 2011

2011 asp 2

PART 5

POWERS TO ENTER AND USE LAND

44 Warrants authorising entry

- (1) A sheriff or justice of the peace may by warrant authorise Ministers to exercise a right conferred by this Part, if necessary using reasonable force, in accordance with the warrant.
- (2) A warrant may be granted only if the sheriff or justice is satisfied, by evidence on oath—
 - (a) that there are reasonable grounds for exercising the right in relation to the land concerned,
 - (b) that—
 - (i) entry to the land has been refused,
 - (ii) such a refusal is reasonably expected,
 - (iii) the land is unoccupied, or
 - (iv) the occupier is temporarily absent, and
 - (c) except where the case is one of urgency, that Ministers have complied with the notice requirements imposed by section 40.
- (3) A warrant must not authorise the use of force against an individual.
- (4) A warrant expires—
 - (a) when it is no longer required for the purpose for which it is granted, or
 - (b) if earlier, on the expiry of such period as may be specified in it.