
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 252

**The Enhanced Enforcement Areas
Scheme (Scotland) Regulations 2015**

Warrants for entry

5.—(1) Where the Scottish Ministers have designated an area as an EEA, a sheriff, justice of the peace or stipendiary magistrate may by warrant authorise any person entitled to exercise a right conferred by regulation 4(2)(c) to do so, if necessary using reasonable force, in accordance with the warrant.

(2) A warrant may be granted under paragraph (1) only if the sheriff, justice or magistrate is satisfied by evidence on oath—

- (a) that there are reasonable grounds for the exercise of the right in relation to the house and any building; and
- (b) that—
 - (i) entry to the house or building has been or is likely to be refused and that notice of intention to apply for a warrant has been given to the occupier;
 - (ii) a request for entry, or the giving of such notice would defeat the object of the proposed entry;
 - (iii) the house is, or building is, unoccupied;
 - (iv) the occupier is temporarily absent; or
 - (v) the case is one of urgency.