



# Housing (Scotland) Act 1987

## 1987 CHAPTER 26

### PART VIII

#### HOUSES IN MULTIPLE OCCUPATION

##### *Supplementary*

#### **173 Warrant to authorise entry.**

- (1) Where it is shown to the satisfaction of the sheriff, or of a justice of the peace or magistrate, on sworn information in writing, that admission to premises specified in the information is reasonably required by a person employed by, or acting on the instructions of, a local authority for the purpose—
  - (a) of survey and examination to determine whether any powers under the foregoing provisions of this Part should be exercised in respect of the premises, or
  - (b) of ascertaining whether there has been a contravention of any regulations or direction made or given under the foregoing provisions of this Part,then, subject to this section, the sheriff, justice or magistrate may by warrant under his hand authorise that person to enter on the premises for the purposes mentioned in paragraphs (a) and (b), or for such of those purposes as may be specified in the warrant.
- (2) A sheriff, justice or magistrate shall not grant a warrant under this section unless he is satisfied—
  - (a) that admission to the premises has been refused and, except where the purpose specified in the information—
    - (i) is the survey and examination of premises to determine whether there has been a failure to comply with a notice under section 160 or section 161 or section 162, or
    - (ii) is to ascertain whether there has been a contravention of any regulations or direction made or given under the foregoing provisions of this Part,

---

*Status: Point in time view as at 28/11/2004. This version of this provision has been superseded.*

*Changes to legislation: Housing (Scotland) Act 1987, Section 173 is up to date with all changes known to be in force on or before 29 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

- that admission was sought after not less than 24 hours' notice of the intended entry had been given to the occupier; or
- (b) that an application for admission to the premises would defeat the object of the entry.
- (3) Every warrant granted under this section shall continue in force until the purpose for which the entry is required has been satisfied.
- (4) Any person who, in the exercise of a right of entry under this section, enters any premises which are unoccupied, or any premises the occupier of which is temporarily absent, shall leave the premises as effectually secured against trespassers as he found them.
- (5) Any power of entry conferred by this section—
- (a) shall include power to [<sup>F1</sup>enter], if need be, by force, and
- (b) may be exercised by the person on whom it is conferred either alone or together with any other persons.

---

**Textual Amendments**

- F1** Word substituted (*retrospectively*) by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\)](#), s. 72(1), [Sch. 7 para. 7](#)

**Status:**

Point in time view as at 28/11/2004. This version of this provision has been superseded.

**Changes to legislation:**

Housing (Scotland) Act 1987, Section 173 is up to date with all changes known to be in force on or before 29 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.