



# Housing (Scotland) Act 2006

## 2006 asp 1

### PART 9

#### RIGHTS OF ENTRY

#### **184 Rights of entry: supplemental**

- (1) A right to enter any land or premises conferred by or under this Part includes a right to enter for the same purpose—
  - (a) in the case of land, any land adjacent to it, and
  - (b) in the case of any part of any premises, any land adjacent to that part and any other part of those premises.
- (2) Any person who enters any land or premises in exercise of a right conferred by or under this Part is entitled to—
  - (a) survey and examine the land or premises, and
  - (b) do anything else which is reasonably required in order to fulfil the purpose for which entry is taken.
- (3) A right to enter any land or premises conferred by or under this Part may be exercised only at a reasonable time.
- (4) The occupants of the land or premises concerned must be given at least 24 hours' notice before any person exercises any such right in relation to it unless—
  - (a) the situation is urgent, or
  - (b) the person entitled to exercise the power considers that giving such notice would defeat the object of the proposed entry.

[<sup>F1</sup>(4A) In relation to the exercise of the right conferred by section 181(1A), the reference to occupants in subsection (4) is to be read as including the tenant, the landlord and any known agent of the landlord.]

- (5) A person authorised to exercise any right conferred by or under this Part must, if required to do so, produce written evidence of that authorisation.
- (6) Subsection (5) does not apply to a constable in uniform seeking to exercise a right without warrant.

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*Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Section 184. (See end of Document for details)*

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- (7) A right conferred by this section applies despite any term to the contrary in any tenancy, occupancy arrangement or other agreement.
- (8) Any person who enters any land or premises in exercise of a right conferred by or under this Part—
- (a) is entitled, subject in the case of a right exercisable under a warrant to the terms of the warrant, to take on to the land or into the premises—
    - (i) such other persons, and
    - (ii) such equipment,as may be reasonably required for the purposes of assisting that person,
  - (b) must leave the land or premises as effectually secured against unauthorised entry as that person found it, and
  - (c) must compensate any other person who has sustained damage as a result of—
    - (i) the exercise of the right or power, or
    - (ii) any failure to comply with paragraph (b),unless the damage is attributable to the fault of the person who sustained it.
- (9) Any question of disputed compensation under subsection (8)(c) is to be determined by arbitration; and, where there is no agreement as to who is to be appointed as arbiter, as to the procedure to be followed at the arbitration or as to the defraying of related expenses, the Scottish Ministers must appoint an arbiter, specify the procedure or, as the case may be, determine liability for expenses.
- (10) A warrant granted under section 182 or 183 continues in force until the purpose for which the warrant was issued has been fulfilled or, if earlier, the expiry of such period as the warrant may specify.
- (11) Any person who, without reasonable excuse, prevents or obstructs any other person from doing anything which is authorised by a warrant granted under section 182 or 183 is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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#### **Textual Amendments**

**F1** S. 184(4A) inserted (1.12.2015) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 25(8)**, 104(3); S.S.I. 2015/349, art. 3, Sch.

**Changes to legislation:**

There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Section 184.