

# **PUBLIC HEALTH ETC. (SCOTLAND) ACT 2008**

---

## **EXPLANATORY NOTES**

### **THE ACT – OVERVIEW**

#### **Part 5**

#### **Public Health Functions of Local Authorities**

#### **Disinfection etc. of premises and things**

#### ***Section 75 Failure to comply with notice***

150. This section sets out the actions that an authorised officer of a local authority may take where the owner or occupier of premises on whom a notice under section 73 has been served fails to comply with the notice and the period of the notice has expired. It provides that the authorised officer may enter the premises; may take any other person authorised by the officer, and a constable (if the officer has reasonable cause to expect serious obstruction in obtaining access); may direct that the premises (or any part of them) or any thing in or on them is left undisturbed for as long as the officer considers appropriate; may take the steps specified in the notice and any other steps considered necessary; and may remove any thing from the premises for the purpose of taking any steps (disinfection, decontamination or disinfestation) at another place.
151. Subsection (3) provides that an authorised officer who enters any unoccupied premises by virtue of this section must leave the premises as effectively secured against unauthorised entry as the officer found them.