



Public Health etc. (Scotland) Act 2008

2008 asp 5

PART 3

PUBLIC HEALTH INVESTIGATIONS

Investigators' powers

27 Public health investigation warrants

- (1) This section applies where—
 - (a) an investigator entitled to enter premises under section 22—
 - (i) has been refused entry; or
 - (ii) reasonably anticipates entry being refused;
 - (b) premises which an investigator is entitled to enter are unoccupied;
 - (c) the occupier of such premises is temporarily absent and there is urgency;
 - (d) an investigator entitled to exercise a power under section 23 or 24—
 - (i) has been prevented from exercising that power; or
 - (ii) reasonably anticipates being prevented from doing so; or
 - (e) an application for admission to the premises would defeat the object of the public health investigation.
- (2) The sheriff or a justice of the peace may, on the application of the investigator, by warrant authorise the investigator—
 - (a) to enter the premises;
 - (b) on entering premises by virtue of paragraph (a), to take—
 - (i) any other person authorised by the investigator and, if the investigator has reasonable cause to expect any serious obstruction in obtaining access, a constable; and
 - (ii) any equipment or materials required for any purpose for which the power of entry is being exercised;
 - (c) to direct that—
 - (i) those premises (or any part of them) are; or
 - (ii) any thing in or on them is,

Changes to legislation: There are currently no known outstanding effects for the Public Health etc. (Scotland) Act 2008, Section 27. (See end of Document for details)

- to be left undisturbed (whether generally or in particular respects) for so long as the investigator considers appropriate;
- (d) to exercise any power mentioned in sections 23 to 25.
- (3) The sheriff or justice of the peace must not, under subsection (2), grant a warrant in relation to a dwellinghouse unless the sheriff or justice is satisfied that—
- (a) the notice required by section 26(2) has been given; and
- (b) the period of notice has expired.
- (4) The power of entry in this section—
- (a) may be exercised at any time; and
- (b) includes power to use reasonable force.
- (5) Where the investigator enters premises by virtue of this section, section 22(2) applies.
- (6) A warrant under this section continues in force until the purpose for which it is issued is fulfilled.

Commencement Information

II S. 27 in force at 1.10.2009 by S.S.I. 2009/319, art. 2(a), Sch. 1

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