



Public Health etc. (Scotland) Act 2008

2008 asp 5

PART 3

PUBLIC HEALTH INVESTIGATIONS

Investigators' powers

28 Use of powers in emergencies

- (1) This section applies where an investigator who is entitled to enter premises by virtue of the power conferred by section 22 considers, on reasonable grounds, that there is an emergency.
- (2) The power of entry which the investigator has—
 - (a) may be exercised at any time; and
 - (b) includes power to use reasonable force.
- (3) Where the premises in relation to which the investigator proposes to exercise the power are a dwellinghouse, section 26 does not apply.
- (4) The investigator may, on entering premises by virtue of this section—
 - (a) 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;
 - (b) direct that—
 - (i) those premises (or any part of them) are; or
 - (ii) any thing in or on them is,to be left undisturbed (whether generally or in particular respects) for so long as the investigator considers appropriate;
 - (c) exercise any power mentioned in sections 23 to 25.
- (5) Where the investigator enters premises by virtue of this section, section 22(2) applies.

Changes to legislation: There are currently no known outstanding effects for the Public Health etc. (Scotland) Act 2008, Section 28. (See end of Document for details)

- (6) In this section, there is an “emergency” if—
- (a) there is a significant risk to public health; and
 - (b) the nature of that risk is such that immediate action is necessary—
 - (i) to verify the existence of the risk;
 - (ii) to ascertain the cause of the risk; or
 - (iii) to take action to prevent, or prevent the spread of, infectious disease or contamination.

Commencement Information

II S. 28 in force at 1.10.2009 by S.S.I. 2009/319, art. 2(a), **Sch. 1**

Changes to legislation:

There are currently no known outstanding effects for the Public Health etc. (Scotland) Act 2008, Section 28.