



# Public Health etc. (Scotland) Act 2008

## 2008 asp 5

### PART 5

#### PUBLIC HEALTH FUNCTIONS OF LOCAL AUTHORITIES

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

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

- (1) This section applies where—
- (a) a local authority serves notice under section 73(3);
  - (b) the period mentioned in section 73(6)(b) expires; and
  - (c) the person on whom the notice is served fails to take the steps specified in the notice.
- (2) An authorised officer may—
- (a) enter the premises;
  - (b) on entering premises by virtue of paragraph (a), take any other person authorised by the officer and, if the officer has reasonable cause to expect any serious obstruction in obtaining access, a constable;
  - (c) 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 officer considers appropriate;
  - (d) take—
    - (i) any step specified in the notice; and
    - (ii) any other step mentioned in section 73(2) as that officer considers appropriate;
  - (e) remove any thing from the premises for the purpose of taking any such step at any other place.
- (3) An authorised officer who enters any unoccupied premises by virtue of subsection (2) (a) must leave the premises as effectively secured against unauthorised entry as the officer found them.

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**Changes to legislation:** *There are currently no known outstanding effects for the Public Health etc. (Scotland) Act 2008, Section 75. (See end of Document for details)*

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**Commencement Information**

**II** [S. 75](#) 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 75.