



Public Health etc. (Scotland) Act 2008

2008 asp 5

PART 5

PUBLIC HEALTH FUNCTIONS OF LOCAL AUTHORITIES

Disinfection etc. of premises and things

76 Power of local authority to disinfect etc. premises or things

- (1) This section applies where—
- (a) a local authority knows or suspects that—
 - (i) any premises in its area are; or
 - (ii) any thing in or on such premises is, infected, infested or contaminated; and
 - (b) it appears to the authority that as a result—
 - (i) it is necessary, to prevent, or prevent the spread of, infectious disease or contamination, for one or more of the steps mentioned in section 73(2) to be taken; and
 - (ii) it is not reasonably practicable for any person on whom a notice under section 73(3) might be served to take those steps.
- (2) The authority may serve notice on the person who is—
- (a) the occupier of the premises; or
 - (b) where the premises are unoccupied, the owner of them,
- requiring that person to give an authorised officer access to the premises or thing in order for any of the steps mentioned in section 73(2) to be taken.
- (3) Where—
- (a) a notice is served under subsection (2) on the occupier of premises; and
 - (b) the occupier is not the owner of those premises,
- the authority must serve a copy of the notice on the owner.
- (4) The local authority may serve notice under subsection (2) only where a local authority competent person certifies that the person is satisfied as to the matters in subsection (1).

Changes to legislation: There are currently no known outstanding effects for the Public Health etc. (Scotland) Act 2008, Section 76. (See end of Document for details)

- (5) A notice under subsection (2) must—
- (a) specify the steps which the authority proposes to take; and
 - (b) specify the period before the expiry of which those steps are to be taken.
- (6) 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; and
 - (e) remove any thing from the premises for the purpose of taking any such step at any other place.
- (7) An authorised officer who enters any unoccupied premises by virtue of subsection (6) (a) must leave the premises as effectively secured against unauthorised entry as the officer found them.

Commencement Information

II S. 76 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 76.