



# Public Health Act 1936

## 1936 CHAPTER 49

### PART XII

#### GENERAL.

##### *Entry and obstruction.*

#### **287 Power to enter premises.**

- (1) Subject to the provisions of this section, any authorised officer of a council shall, on producing, if so required, some duly authenticated document showing his authority, have a right to enter any premises at all reasonable hours—
- (a) for the purpose of ascertaining whether there is, or has been, on or in connection with the premises any contravention of the provisions of this Act or of any byelaws made thereunder, being provisions which it is the duty of the council to enforce;
  - (b) for the purpose of ascertaining whether or not circumstances exist which would authorise or require the council to take any action, or execute any work, under this Act or any such byelaws;
  - (c) for the purpose of taking any action, or executing any work, authorised or required by this Act or any such byelaws, or any order made under this Act, to be taken, or executed, by the council;
  - (d) generally, for the purpose of the performance by the council of their functions under this Act or any such byelaws:

Provided that admission to any premises not being a factory, workshop or workplace, shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.

- (2) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—
- (a) that admission to any premises has been refused, or that refusal is apprehended, or that the premises are unoccupied or the occupier is

---

*Status: This is the original version (as it was originally enacted).*

---

temporarily absent, or that the case is one of urgency, or that an application for admission would defeat the object of the entry; and

- (b) that there is reasonable ground for entry into the premises for any such purpose as aforesaid,

the justice may by warrant under his hand authorise the council by any authorised officer to enter the premises, if need be by force:

Provided that such a warrant shall not be issued unless the justice is satisfied either that notice of the intention to apply for a warrant has been given to the occupier, or that the premises are unoccupied, or that the occupier is temporarily absent, or that the case is one of urgency, or that the giving of such notice would defeat the object of the entry.

- (3) An authorised officer entering any premises by virtue of this section, or of a warrant issued thereunder, may take with him such other persons as may be necessary, and on leaving any unoccupied premises which he has entered by virtue of such a warrant shall leave them as effectually secured against trespassers as he found them.
- (4) Every warrant granted under this section shall continue in force until the purpose for which the entry is necessary has been satisfied.
- (5) If any person who in compliance with the provisions of this section or of a warrant issued thereunder is admitted into a factory, workshop or workplace discloses to any person any information obtained by him in the factory, workshop or workplace with regard to any manufacturing process or trade secret, he shall, unless such disclosure was made in the performance of his duty, be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.
- (6) Nothing in this section shall be construed as limiting the provisions of section fifty-seven of the Waterworks Clauses Act 1847, as incorporated with this Act, or the provisions of Part VII of this Act with respect to entry upon and inspection of premises by child protection visitors and persons authorised to exercise the powers of such visitors, or the provisions of Parts IX and X of this Act with respect to entry into or upon, and inspection of, common lodging-houses and canal boats.

**288 Penalty for obstructing execution of Act.**

A person who wilfully obstructs any person acting in the execution of this Act or of any byelaw, order or warrant made or issued thereunder shall, in any case for which no other provision is made by this Act, be liable to a fine not exceeding five pounds and to a further fine not exceeding five pounds for each day on which the offence continues after conviction therefor.

**289 Power to require occupier to permit works to be executed by owner.**

If on a complaint made by the owner of any premises, it appears to a court of summary jurisdiction that the occupier of those premises prevents the owner from executing any work which he is by or under this Act required to execute, the court may order the occupier to permit the execution of the work.