

PUBLIC HEALTH (WALES) ACT 2017

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4

Special Procedures

Section 86 - Warrant to enter other premises

174. If access to premises that are not only used wholly or mainly as a dwelling is necessary, section 86 enables a justice of the peace to issue a warrant authorising any authorised officer to enter the premises, if needs be by force. The warrant can be obtained by making a written application to a justice of the peace. The premises to which entry is being sought must be used for business purposes, or for both business and as a dwelling. In the case of premises used wholly or mainly as a dwelling a warrant must be sought under section 85. This section also applies to a vehicle.
175. In order for a warrant to be issued, one or more of the requirements set out in subsections (3) to (6) must be met. The requirements include that a request to enter the premises has been, or is likely to be, refused and notice of intention to apply for a warrant has been given; that an application for admission, or the giving of notice of an intention to apply for a warrant is likely to defeat the purpose of the entry; that the premises are unoccupied; or that the occupier is temporarily absent, and awaiting their return is likely to defeat the purpose of the entry. Once the warrant is issued, it will be in force for 28 days beginning on the date it was issued by the justice of the peace.