

PUBLIC HEALTH (WALES) ACT 2017

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 5

Intimate Piercing

Section 99 - Powers of entry

199. This section enables a constable or an authorised officer to enter premises (excluding premises used wholly or mainly as a dwelling, for which see section 100) at any reasonable time, if there are reasonable grounds to believe that an offence under section 95 has been committed and entry is necessary to ascertain whether or not such an offence has taken place. The references in these enforcement provisions to a constable reflect the sensitive nature of the offence, investigation of which could require photographic evidence and/or personal examinations. This power to enter premises does not enable the constable or authorised officer to enter by force. If required, an authorised officer must, before entering the premises, show evidence of their authorisation by the local authority. The power to enter premises (as provided by sections 100 to 103) covers any place and any vehicle (other than an aircraft and hovercraft), stall or moveable structure.
200. Section 67(9) of the Police and Criminal Evidence Act 1984 provides that, while acting in the course of their enforcement functions, authorised officers of the enforcement authority must have regard to the relevant code of practice made under that Act. Therefore, authorised officers must have regard to the PACE Code of Practice B in the exercise of their enforcement functions.