



# 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).

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*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)*

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- (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.

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**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.