



# Health Services and Public Health Act 1968

## 1968 CHAPTER 46

### PART IV

#### MISCELLANEOUS MATTERS

##### *Provisions applicable to Scotland only*

#### **73 Power of medical officers of health to enter premises in Scotland**

- (1) Subject to the provisions of this section, the medical officer of health for any district shall, on producing, if so required, some duly authenticated document showing his authority, have a right to enter any premises in that district at all reasonable hours for the purpose of the performance of any duty imposed on him by—
- (a) the Infectious Disease (Notification) Act 1889 ; or
  - (b) the Public Health (Scotland) Acts 1897 to 1945 ; or
  - (c) this Act;
- or, if he has reason to believe that any infectious disease exists, or has recently existed, in the premises, for the purpose of inspecting the premises.
- (2) If the sheriff, on a written certificate issued by the medical officer of health for any district.—
- (a) is satisfied that there are reasonable grounds for entry into any premises for any such purpose as aforesaid, and
  - (b) is also satisfied either—
    - (i) that admission to the premises has been refused, or a refusal is apprehended and that notice of the intention to apply for a warrant has been given to the occupier, or
    - (ii) that an application for admission, or the giving of such a notice, would defeat the object of the entry, or
    - (iii) that the case is one of urgency, or

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*Status: This is the original version (as it was originally enacted).*

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- (iv) that the premises are unoccupied or that the occupier is temporarily absent,  
he may by warrant under his hand authorise the medical officer of health to enter the premises, if need be by force.
- (3) A medical officer of health 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 effectively secured against unauthorised entry as he found them.
- (4) Every warrant granted under this section shall continue in force for a period of one month.
- (5) If—
- (a) any person who, in compliance with the provisions of this section, or of a warrant issued thereunder, enters a factory or workplace, discloses to any person any information obtained by him in the factory or workplace with regard to any manufacturing process or trade secret; or
  - (b) any person to whom by reason of his official position any information obtained as aforesaid is communicated, discloses that information to any person,
- he shall, unless such disclosure was made in the performance of his duty, be guilty of an offence against this section.
- (6) A person who wilfully obstructs any person acting in the execution of this section or of a warrant issued thereunder shall be guilty of an offence against this section.
- (7) A person who fails to give to any person acting in the execution of this section or of any warrant issued thereunder any assistance which that person may reasonably request him to give, or any information which that person is expressly authorised by any enactment to call for or may reasonably require, or who, when required to give any such information, knowingly makes any mis-statement in respect thereof, shall be guilty of an offence against this section:
- Provided that nothing in this subsection shall be construed as requiring a person to answer any question, or give any information, if to do so might incriminate him.
- (8) A person guilty of an offence against this section shall be liable on summary conviction to a fine not exceeding £100 or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.
- (9) In this section " medical officer of health " has the same meaning as in the Public Health (Scotland) Act 1897; and references to the sheriff shall be construed, in relation to any place, as including references to any justice of the peace appointed for an area which includes that place, and to any burgh magistrate so appointed.
- (10) This section applies to Scotland only.