

Status: Point in time view as at 02/04/2007.

Changes to legislation: There are currently no known outstanding effects for the Health Act 2006, SCHEDULE 2. (See end of Document for details)

SCHEDULES

SCHEDULE 2

Section 10

POWERS OF ENTRY, ETC.

- 1 In this Schedule—
- “authorised officer” means authorised officer of an enforcement authority,
- “premises” includes any place and any vehicle.

Commencement Information

I1 Sch. 2 para. 1 in force at 2.4.2007 for W. by S.I. 2007/204, art. 2(b)

- 2 An authorised officer has the right to do any of the following, on production (if required) of his written authority—
- (a) at any reasonable hour, enter any premises (other than premises used only as a private dwelling house not open to the public) which he considers it is necessary for him to enter for the purpose of the proper exercise of his functions by virtue of Chapter 1 of Part 1 of this Act,
 - (b) there carry out such inspections and examinations as he considers necessary for that purpose,
 - (c) if he considers it necessary for that purpose, require the production of any substance or product, and inspect it, and take and retain samples of or extracts from it,
 - (d) take possession of any substance or product on the premises, and retain it for as long as he considers necessary for that purpose,
 - (e) require any person to give him such information, or afford him such facilities and assistance, as he considers necessary for that purpose.

Commencement Information

I2 Sch. 2 para. 2 in force at 2.4.2007 for W. by S.I. 2007/204, art. 2(b)

- 3 An authorised officer may, if he considers it necessary for the purpose of the proper exercise of his functions by virtue of Chapter 1 of Part 1 of this Act, arrange for any substance, product, sample or extract mentioned in paragraph 2(c) or (d) to be analysed.

Commencement Information

I3 Sch. 2 para. 3 in force at 2.4.2007 for W. by S.I. 2007/204, art. 2(b)

- 4 An authorised officer may make such purchases and secure the provision of such services as he considers necessary for the purpose of the proper exercise of his functions by virtue of Chapter 1 of Part 1 of this Act.

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Commencement Information

I4 Sch. 2 para. 4 in force at 2.4.2007 for W. by S.I. 2007/204, art. 2(b)

- 5 A person may not be required under paragraph 2 to give any information which he would be entitled to refuse to give in proceedings in the High Court on grounds of legal professional privilege.

Commencement Information

I5 Sch. 2 para. 5 in force at 2.4.2007 for W. by S.I. 2007/204, art. 2(b)

- 6 (1) A justice of the peace may exercise the power in sub-paragraph (3) if he is satisfied on sworn information in writing—
- (a) that for the purpose of the proper exercise of the functions of an enforcement authority under Chapter 1 of Part 1 of this Act there are reasonable grounds for entry into any premises other than premises used only as a private dwelling house not open to the public, and
 - (b) of either or both of the matters mentioned in sub-paragraph (2).
- (2) The matters are—
- (a) that admission to the premises has been, or is likely to be, refused, and that notice of intention to apply for a warrant under this Schedule has been given to the occupier or a person who reasonably appears to the enforcement authority to be concerned in the management of the premises,
 - (b) that an application for admission, or the giving of such notice, would defeat the object of the entry, or that the premises are unoccupied, or that the occupier is temporarily absent and it might defeat the object of the entry to await his return.
- (3) The justice may by warrant signed by him authorise any authorised officer to enter the premises, if need be by force.
- (4) Such a warrant continues in force until the end of the period of one month beginning with the date on which the justice signs it.

Commencement Information

I6 Sch. 2 para. 6 in force at 2.4.2007 for W. by S.I. 2007/204, art. 2(b)

- 7 An authorised officer entering any premises by virtue of paragraph 2, or of a warrant under paragraph 6, may take with him such other persons and such equipment as he considers necessary.

Commencement Information

I7 Sch. 2 para. 7 in force at 2.4.2007 for W. by S.I. 2007/204, art. 2(b)

- 8 If premises which an authorised officer is authorised to enter by a warrant under paragraph 6 are unoccupied, or if the occupier is temporarily absent, then on

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leaving them that officer must leave the premises as effectively secured against unauthorised entry as he found them.

Commencement Information

I8 Sch. 2 para. 8 in force at 2.4.2007 for W. by S.I. 2007/204, art. 2(b)

- 9 If by virtue of paragraph 2(d) an authorised officer takes possession of anything, he must leave on the premises from which it was taken a statement giving particulars of what he has taken and stating that he has taken possession of it.

Commencement Information

I9 Sch. 2 para. 9 in force at 2.4.2007 for W. by S.I. 2007/204, art. 2(b)

- 10 If a direction of the appropriate national authority has effect under section 10(4), this Schedule has effect, in relation to any case or case of a description specified in the direction, as if references to an authorised officer were to a person acting on behalf of the appropriate national authority.

Commencement Information

I10 Sch. 2 para. 10 in force at 2.4.2007 for W. by S.I. 2007/204, art. 2(b)

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