

PUBLIC HEALTH (WALES) ACT 2017

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 5

Intimate Piercing

Section 101 - Warrant to enter other premises

202. If access to premises that are not used wholly or mainly as a dwelling is required because 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, section 101 enables a justice of the peace to issue a warrant authorising a constable or authorised officer to enter such premises, if needs be by force. The warrant can be obtained by making an application to a justice of the peace. The premises to which entry is being sought under this section 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 100.
203. 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 requesting to enter, or giving 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 the occupier's return is likely to defeat the object 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.