

*Status: This version of this provision is prospective.*

*Changes to legislation: Public Health (Wales) Act 2017, Section 86 is up to date with all changes known to be in force on or before 25 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*



# Public Health (Wales) Act 2017

2017 anaw 2

## PART 4

### SPECIAL PROCEDURES

#### *Enforcement*

PROSPECTIVE

#### **86 Warrant to enter other premises**

- (1) A justice of the peace may exercise the power in subsection (2) if satisfied on sworn information in writing—
  - (a) that, for the purpose of the exercise of a local authority's functions under or by virtue of this Part, it is necessary to enter premises that are not used wholly or mainly as a dwelling, and
  - (b) that a requirement set out in one or more of subsections (3) to (6) is met.
- (2) The justice may issue a warrant authorising an authorised officer of the authority to enter the premises, if need be by force.
- (3) The requirement is that—
  - (a) a request to enter the premises has been, or is likely to be, refused, and
  - (b) notice of intention to apply for a warrant under this section has been given to the occupier or a person who reasonably appears to the local authority to be concerned in the management of the premises.
- (4) The requirement is that requesting to enter the premises, or the giving of notice of intention to apply for a warrant under this section, is likely to defeat the purpose of the entry.
- (5) The requirement is that the premises are unoccupied.
- (6) The requirement is that—

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- (a) the occupier of the premises is temporarily absent, and
  - (b) awaiting the occupier's return is likely to defeat the purpose of the entry.
- (7) The warrant continues in force until the end of the period of 28 days beginning with the date on which it was issued.
- (8) This section applies to a vehicle as if it were premises.

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing S.I. 2017/949, art. 3 by [S.I. 2017/967 art. 2](#)