



Public Health etc. (Scotland) Act 2008

2008 asp 5

PART 3

PUBLIC HEALTH INVESTIGATIONS

Offences

29 Public health investigation offences

- (1) A person commits an offence if the person, without reasonable excuse—
- (a) fails to comply with a requirement imposed under section 22, 23, 24 or 25;
 - (b) intentionally obstructs an investigator in the exercise of powers under those sections;
 - (c) fails or refuses to—
 - (i) provide facilities or assistance;
 - (ii) provide information; or
 - (iii) permit inspection,where it is reasonably required by an investigator exercising powers under those sections;
 - (d) prevents any other person from—
 - (i) appearing before an investigator; or
 - (ii) answering a question to which an investigator may require an answer pursuant to section 24(1);
 - (e) in purported compliance with a requirement imposed under section 24(1)—
 - (i) makes a statement which the person knows to be false or misleading in a material particular;
 - (ii) recklessly makes a statement which is false or misleading in a material particular; or
 - (iii) intentionally fails to disclose any material particular;
 - (f) causes or permits another person to commit an offence under paragraphs (a) to (e).

Changes to legislation: Public Health etc. (Scotland) Act 2008, Cross Heading: Offences is up to date with all changes known to be in force on or before 05 June 2020. 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

- (2) In proceedings for an offence under subsection (1), it is a defence for a person to prove that the person exercised all due diligence and took all reasonable steps to avoid committing the offence.
- (3) Where the commission by a person of an offence under subsection (1) is due to the act or omission of another person, that other person may be charged with and convicted of the offence whether or not proceedings for the offence are taken against the first person.

Commencement Information

II S. 29 in force at 1.10.2009 by S.S.I. 2009/319, art. 2(a), Sch. 1

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 95(4)(aa) inserted by [S.S.I. 2019/142 reg. 2\(2\)](#)
- s. 96(5)(aa) inserted by [S.S.I. 2019/142 reg. 2\(3\)](#)