



# Public Health etc. (Scotland) Act 2008

## 2008 asp 5

### PART 3 **S**

#### PUBLIC HEALTH INVESTIGATIONS

##### *Investigators' powers*

#### 26 Entry to dwellinghouses **S**

- (1) Where an investigator proposes, in the exercise of a power conferred by section 22, to enter a dwellinghouse, the conditions set out in subsections (2) and (3) must be satisfied.
- (2) The first condition is that the investigator has given 48 hours' notice of the proposed entry to a person who appears to be the occupier of the dwellinghouse.
- (3) The second condition is that—
  - (a) the person who appears to be the occupier of the dwellinghouse has consented; or
  - (b) entry is effected under the authority of a warrant issued in accordance with section 27.
- (4) In this Part, “dwellinghouse” means any premises or part of premises which are wholly or mainly occupied as a person's dwelling.

#### Commencement Information

**II** S. 26 in force at 1.10.2009 by S.S.I. 2009/319, art. 2(a), Sch. 1

**Changes to legislation:**

There are currently no known outstanding effects for the Public Health etc. (Scotland) Act 2008, Section 26.