



# Public Health etc. (Scotland) Act 2008

## 2008 asp 5

### PART 3

#### PUBLIC HEALTH INVESTIGATIONS

##### *Investigators' powers*

#### **27 Public health investigation warrants**

- (1) This section applies where—
  - (a) an investigator entitled to enter premises under section 22—
    - (i) has been refused entry; or
    - (ii) reasonably anticipates entry being refused;
  - (b) premises which an investigator is entitled to enter are unoccupied;
  - (c) the occupier of such premises is temporarily absent and there is urgency;
  - (d) an investigator entitled to exercise a power under section 23 or 24—
    - (i) has been prevented from exercising that power; or
    - (ii) reasonably anticipates being prevented from doing so; or
  - (e) an application for admission to the premises would defeat the object of the public health investigation.
- (2) The sheriff or a justice of the peace may, on the application of the investigator, by warrant authorise the investigator—
  - (a) to enter the premises;
  - (b) on entering premises by virtue of paragraph (a), to take—
    - (i) any other person authorised by the investigator and, if the investigator has reasonable cause to expect any serious obstruction in obtaining access, a constable; and
    - (ii) any equipment or materials required for any purpose for which the power of entry is being exercised;
  - (c) to direct that—
    - (i) those premises (or any part of them) are; or
    - (ii) any thing in or on them is,

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*Status: This is the original version (as it was originally enacted).*

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- to be left undisturbed (whether generally or in particular respects) for so long as the investigator considers appropriate;
- (d) to exercise any power mentioned in sections 23 to 25.
- (3) The sheriff or justice of the peace must not, under subsection (2), grant a warrant in relation to a dwellinghouse unless the sheriff or justice is satisfied that—
- (a) the notice required by section 26(2) has been given; and
  - (b) the period of notice has expired.
- (4) The power of entry in this section—
- (a) may be exercised at any time; and
  - (b) includes power to use reasonable force.
- (5) Where the investigator enters premises by virtue of this section, section 22(2) applies.
- (6) A warrant under this section continues in force until the purpose for which it is issued is fulfilled.