



# 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).

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*Status: This is the original version (as it was originally enacted).*

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- (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.