



Public Health etc. (Scotland) Act 2008

2008 asp 5

PART 5

PUBLIC HEALTH FUNCTIONS OF LOCAL AUTHORITIES

Disinfection etc. of premises and things

73 Notice on occupier or owner of infected etc. premises or things

- (1) This section applies where—
- (a) a local authority knows or suspects that—
 - (i) any premises in its area are; or
 - (ii) any thing in or on such premises is, infected, infested or contaminated; and
 - (b) it appears to the authority that as a result it is necessary, to prevent, or prevent the spread of, infectious disease or contamination, for one or more of the steps mentioned in subsection (2) to be taken.
- (2) Those steps are—
- (a) the—
 - (i) disinfection;
 - (ii) disinfestation; or
 - (iii) decontamination,of the premises or of a thing in or on the premises;
 - (b) the destruction of such a thing;
 - (c) other connected operations in relation to such a thing or such premises.
- (3) The authority may serve notice on the person who is—
- (a) the occupier of the premises; or
 - (b) where the premises are unoccupied, the owner of them,
- requiring that person to take one or more of the steps mentioned in subsection (2).
- (4) Where—
- (a) a notice is served under subsection (3)(a) on the occupier of premises; and

Status: This is the original version (as it was originally enacted).

- (b) that occupier is not the owner of those premises,
the authority must serve a copy of the notice on the owner.
- (5) The authority may serve notice under subsection (3) only where a local authority competent person certifies that the person is satisfied as to the matters mentioned in subsection (1).
- (6) A notice under subsection (3) must—
 - (a) specify the steps which the person on whom the notice is served must take;
 - (b) specify the period before the expiry of which those steps must be taken; and
 - (c) advise the person on whom the notice is served that, where that person fails to comply with the notice, the local authority may take those steps.
- (7) Where, before the expiry of the period mentioned in subsection (6)(b), the person on whom the notice is served consents, an authorised officer may do anything that officer would, under section 75(2), be entitled to do.
- (8) In this Part, “authorised officer” means an officer of the local authority authorised by it for the purposes of this section, section 74, 75, 76, 77, 78 or, as the case may be, 79.