



Public Health etc. (Scotland) Act 2008

2008 asp 5

PART 5 **S**

PUBLIC HEALTH FUNCTIONS OF LOCAL AUTHORITIES

Disinfection etc. of premises and things

75 Failure to comply with notice **S**

- (1) This section applies where—
- (a) a local authority serves notice under section 73(3);
 - (b) the period mentioned in section 73(6)(b) expires; and
 - (c) the person on whom the notice is served fails to take the steps specified in the notice.
- (2) An authorised officer may—
- (a) enter the premises;
 - (b) on entering premises by virtue of paragraph (a), take any other person authorised by the officer and, if the officer has reasonable cause to expect any serious obstruction in obtaining access, a constable;
 - (c) direct that—
 - (i) those premises (or any part of them) are; or
 - (ii) any thing in or on them is,to be left undisturbed (whether generally or in particular respects) for so long as the officer considers appropriate;
 - (d) take—
 - (i) any step specified in the notice; and
 - (ii) any other step mentioned in section 73(2) as that officer considers appropriate;
 - (e) remove any thing from the premises for the purpose of taking any such step at any other place.
- (3) An authorised officer who enters any unoccupied premises by virtue of subsection (2) (a) must leave the premises as effectively secured against unauthorised entry as the officer found them.

Changes to legislation: *There are currently no known outstanding effects for the*
Public Health etc. (Scotland) Act 2008, Section 75. (See end of Document for details)

Commencement Information

II [S. 75](#) 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 75.