



# Public Health etc. (Scotland) Act 2008

## 2008 asp 5

### PART 8

#### REGULATION OF PROVISION OF SUNBEDS

##### *Enforcement*

#### **102 Power to enter premises**

- (1) An authorised officer of a local authority may enter and inspect any premises in the area of that authority in order to ascertain whether an offence under section 95, 96, 98, 100 or 101 has been or is being committed there.
- (2) The power in subsection (1) may be exercised only at a reasonable time.
- (3) The authorised officer must, if requested to do so, produce a document showing that officer's authority.
- (4) When exercising the power in subsection (1), an authorised officer may take a constable if the authorised officer has reasonable cause to expect any serious obstruction in obtaining access.
- (5) An authorised officer may—
  - (a) require the production of (or, where the information is recorded electronically, the furnishing of extracts from) any records which it is necessary for the authorised officer to see for the purposes of this Part; and
  - (b) inspect and take copies of, or of any entry in, the records.
- (6) Nothing in subsection (5) compels the production by any person of a document subject to legal privilege.
- (7) A document subject to legal privilege means a communication—
  - (a) between a professional legal adviser and the adviser's client; or
  - (b) made in connection with or in contemplation of legal proceedings and for the purpose of those proceedings,which would, in legal proceedings, be protected from disclosure by virtue of any rule of law relating to confidentiality of communications.

---

*Status: This is the original version (as it was originally enacted).*

---

- (8) A person commits an offence if the person, without reasonable excuse—
- (a) intentionally obstructs an authorised officer in the exercise of powers under subsection (1);
  - (b) fails to comply with a requirement made under subsection (5).
- (9) In proceedings for an offence under subsection (8), it is a defence for the person to prove that the person exercised all due diligence and took all reasonable steps to avoid committing the offence.