



# Public Health Act 1936

1936 CHAPTER 49 26 Geo 5 and 1 Edw 8

## PART XII

### GENERAL

#### *Entry and obstruction*

#### **287 Power to enter premises.**

- (1) Subject to the provisions of this section, any authorised officer of a council shall, on producing, if so required, some duly authenticated document showing his authority, have a right to enter any premises at all reasonable hours—
- for the purpose of ascertaining whether there is, or has been, on or in connection with the premises any contravention of the provisions of this Act or of any byelaws [<sup>F1</sup>or building regulations] made thereunder, being provisions which it is the duty of the council to enforce;
  - for the purpose of ascertaining whether or not circumstances exist which would authorise or require the council to take any action, or execute any work, under this Act or any such byelaws [<sup>F1</sup> or building regulations];
  - for the purpose of taking any action, or executing any work, authorised or required by this Act or any such byelaws [<sup>F1</sup> or building regulations], or any order made under this Act, to be taken, or executed, by the council;
  - generally, for the purpose of the performance by the council of their functions under this Act or any such byelaws [<sup>F1</sup> or building regulations]:

Provided that admission to any premises not being a factory, <sup>F2</sup>. . . or workplace, shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.

- (2) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—
- that admission to any premises has been refused, or that refusal is apprehended, or that the premises are unoccupied or the occupier is

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temporarily absent, or that the case is one of urgency, or that an application for admission would defeat the object of the entry; and

- (b) that there is reasonable ground for entry into the premises for any such purpose as aforesaid,

the justice may by warrant under his hand authorise the council by any authorised officer to enter the premises, if need be by force:

Provided that such a warrant shall not be issued unless the justice is satisfied either that notice of the intention to apply for a warrant has been given to the occupier, or that the premises are unoccupied, or that the occupier is temporarily absent, or that the case is one of urgency, or that the giving of such notice would defeat the object of the entry.

- (3) An authorised officer entering any premises by virtue of this section, or of a warrant issued thereunder, may take with him such other persons as may be necessary, and on leaving any unoccupied premises which he has entered by virtue of such a warrant shall leave them as effectually secured against trespassers as he found them.
- (4) Every warrant granted under this section shall continue in force until the purpose for which the entry is necessary has been satisfied.
- (5) If any person who in compliance with the provisions of this section or of a warrant issued thereunder is admitted into a factory, . . . or workplace discloses to any person any information obtained by him in the factory, . . . or workplace with regard to any manufacturing process or trade secret, he shall, unless such disclosure was made in the performance of his duty, be liable to a fine not exceeding [F<sup>3</sup>level 3 on the standard scale] or to imprisonment for a term not exceeding three months.
- (6) . . . . . F4

#### Textual Amendments

- F1** Words inserted by [Public Health Act 1961 \(c. 64\)](#), [Sch. 1 Pt. III](#)
- F2** Words in s. 287(1)(d)(5) repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt. XIV](#)
- F3** Words substituted by virtue of the [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#)
- F4** S. 287(6) repealed by [Statute Law \(Repals\) Act 1989 \(c. 43\)](#), s. 1(1), [Sch. 1 Pt. IV](#)

#### Modifications etc. (not altering text)

- C1** S. 287 extended by [Fire Services Act 1947 \(c. 41\)](#), [s. 1\(2\)](#), [Public Health Act 1961 \(c. 64\)](#), [ss. 38\(2\)](#), [67\(2\)](#), [75\(6\)](#), [77\(2\)](#), [Greater London Council \(General Powers\) Act 1967 \(c. xx\)](#), [s. 21\(6\)](#), [Health Services and Public Health Act 1968 \(c. 46\)](#), [s. 54\(2\)](#), [Deposit of Poisonous Waste Act 1972 \(c. 21\)](#), [s. 5\(2\)](#), [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\)](#), [s. 35\(7\)](#) and [Thermal Insulation \(Industrial Buildings\) Act 1957 \(c. 40\)](#), [s. 8\(1\)](#) which 1957 Act was repealed (E.W.) by S.I. 1985/1936, reg. 3(2), [Sch. 4](#)
- C2** S. 287 modified by [Water Act 1989 \(c. 15, SIF 130\)](#), [ss. 69, 74\(1\)](#), [Sch. 8 para. 2\(9\)](#), [Sch. 9 para. 7](#) (with [ss. 58\(7\)](#), [101\(1\)](#), [141\(6\)](#), [160\(1\)\(2\)\(4\)](#), [163](#), [189\(4\)\(10\)](#), [190](#), [193\(1\)](#), [Sch. 26 paras. 3\(1\)\(2\)](#), [13\(3\)](#), [17](#), [40\(4\)](#), [57\(6\)](#), [58](#))
- C3** S. 287 applied (with modifications) (13.7.2004) by [London Local Authorities Act 2004 \(c. i\)](#), [ss. 1\(1\)](#), [9](#), [Sch. 1](#)
- C4** S. 287 applied (with modifications) (19.9.2007) by [London Local Authorities Act 2007 \(c. ii\)](#), s. 1(3), [Sch. 1](#)
- C5** S. 287 modified (21.9.2008) by [London Local Authorities and Transport for London Act 2008 \(c. iii\)](#), [ss. 1\(2\)](#), [11\(4\)](#), [Sch. 1](#)
- C6** S. 287 applied (with modifications) (2.7.2009) by [Broads Authority Act 2009 \(c. i\)](#), s. 39(5), [Sch. 5](#) (with [ss. 2\(3\)](#), [16\(3\)](#), [41\(4\)](#), [42](#), [Sch. 6 Pts. 2, 3](#))

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- C7** S. 287(2)-(4) applied (with effect as mentioned in ss. 3, 5 of the applying Act by [London Local Authorities Act 1991 \(c. xiii\), ss. 3, 5, 15\(2\)](#))  
S. 287(2)-(4) applied (coming into force in accordance with ss. 3, 15, 30 of the amending Act) by [1995 c. x, ss. 25\(2\), 40\(2\)](#)  
S. 287(2)-(4) applied (24.6.1996) by [1996 c. viii, s. 6\(2\)](#)  
S. 287(2)-(4) applied (coming into force in accordance with s. 3 of the amending Act) by [2000 c. viii, s. 20\(7\)\(b\)](#)

## **288 Penalty for obstructing execution of Act.**

A person who wilfully obstructs any person acting in the execution of this Act or of any byelaw [<sup>F5</sup>building regulation], order or warrant made or issued thereunder shall, in any case for which no other provision is made by this Act, be liable to a fine not exceeding [<sup>F6</sup>£10 for a first offence and £20 for a second or subsequent offence].

### **Textual Amendments**

- F5** Words inserted by [Public Health Act 1961 \(c. 64\), Sch. 1 Pt. III](#)  
**F6** Words substituted by virtue of [Criminal Justice Act 1967 \(c. 80\), s. 92, Sch. 3 Pt. I](#)

### **Modifications etc. (not altering text)**

- C8** S. 288 extended by [Greater London Council \(General Powers\) Act 1967 \(c. xx\), s. 21\(6\)](#), [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\), s. 35\(7\)](#) and [Thermal Insulation \(Industrial Buildings\) Act 1957 \(c. 40\), s. 8\(1\)](#) which 1957 Act was repealed (E.W.) by S.I. 1985/1936, reg. 3(2), [Sch. 4](#)
- C9** S. 288 extended by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\), s. 33\(6\)\(b\)](#)
- C10** [Criminal Justice Act 1982 \(c.48, SIF 39:1\), ss. 35](#) (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply
- C11** S. 288 applied (with modifications) (2.7.2009) by [Broads Authority Act 2009 \(c. i\), s. 39\(5\), Sch. 5](#) (with ss. 2(3), 16(3), 41(4), 42, Sch. 6 Pts. 2, 3)

## **289 Power to require occupier to permit works to be executed by owner.**

If on a complaint made by the owner of any premises, it appears to a court of summary jurisdiction that the occupier of those premises prevents the owner from executing any work which he is by or under this Act required to execute, the court may order the occupier to permit the execution of the work.

### **Modifications etc. (not altering text)**

- C12** S. 289 extended by [Thermal Insulation \(Industrial Buildings\) Act 1957 \(c. 40\), s. 8\(1\)](#) which 1957 Act was repealed (E.W.) by S.I. 1985/1936, reg. 3(2), [Sch. 4](#)
- C13** S. 289 applied with modifications by S.I. 1987/349, [reg. 11](#) and S.I. 1990/1519, [reg. 11](#)  
S. 289 applied (27.8.1993) by [1993 c. 11, ss. 62\(1\), 68\(2\)](#)
- C14** Power to apply s. 289 conferred by [Town and Country Planning Act 1990 \(c. 8, SIF 123:1\), ss. 178\(3\)\(b\)\(4\)\(5\), 209\(3\)\(b\)\(4\)\(5\), 219\(3\)\(b\)\(4\)\(5\)](#) and by [Planning \(Listed Buildings and Conservation Areas\) Act 1990 \(c.9, SIF 123:1\), ss. 42\(3\)–\(5\), 74\(3\)](#)
- C15** S. 289 applied (with modifications) (17.7.1992) by S.I. 1992/1492, [reg. 14\(1\)](#).  
S. 289 applied (with modifications) (20.9.2000) by [2000 c. vii, ss. 1\(1\), 19\(9\)\(11\)](#)

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- C16** S. 289 applied (with modifications) (13.7.2004) by [London Local Authorities Act 2004 \(c. i\)](#), ss. 1(1), 9, **Sch. 1**
- C17** S. 289 applied (with modifications) (31.12.2004 for W., 1.6.2005 for E.) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), **ss. 76, 93** (with s. 84); S.I. 2004/3238, art. 2; S.I. 2005/710, art. 2
- C18** S. 289 applied (with modifications) (19.9.2007) by [London Local Authorities Act 2007 \(c. ii\)](#), s. 1(3), **Sch. 1**
- C19** S. 289 modified (21.9.2008) by [London Local Authorities and Transport for London Act 2008 \(c. iii\)](#), ss. 1(2), 11(4), **Sch. 1**
- C20** S. 289 applied (with modifications) (1.3.2010) by [The Infrastructure Planning \(Miscellaneous Prescribed Provisions\) Regulations 2010 \(S.I. 2010/105\)](#), regs. 1(1), **5(1)**

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