



Public Health (Scotland) Act 1897

1897 CHAPTER 38

PART II

SANITARY PROVISIONS.

General Nuisances.

18 Power of entry to local authority or their officers.

If the local authority, or medical officer, or sanitary inspector have reasonable grounds for believing that nuisance exists in any premises, such local authority, or medical officer, or sanitary inspector may demand admission for themselves, the chief constable or superintendent of police, or any other person or persons whom the local authority may desire to enter and inspect such premises, and, if necessary, to open up the ground of such premises, or for any or all of them, to inspect the same at any hour between nine in the morning and six in the evening, or at any hour when the operations suspected to cause the nuisance are believed to be in progress or are usually carried on; and may cause the ground or surface to be opened, and the drains to be tested, or such other work to be done as may be necessary for an effectual examination of the said premises: Provided always, that if no nuisance be found to exist, the local authority shall restore the premises at their own expense, and if admission be refused, the local authority, or medical officer, or sanitary inspector may apply to the sheriff, or to any magistrate or justice of the peace having jurisdiction in the place, stating on oath such belief; and such sheriff, magistrate, or justice may, after intimation to the owner and occupier, or person in charge of the premises, by order in writing, require the occupier or person having the custody of such premises to admit the local authority and others aforesaid; and if such occupier or person refuse or fail to obey such order, he shall, on conviction of such offence, be liable to a penalty not exceeding five pounds; and on being satisfied of such failure or refusal, the sheriff, magistrate, or justice may grant warrant to such local authority, officers, or person or persons for immediate forcible entry into the premises; and if no such occupier or person can be discovered, or if no person is found on the premises to give or refuse admission, the local authority or their officers may enter the premises without any order or warrant, and forcibly if need be.

Status: This is the original version (as it was originally enacted).

Provided that if no nuisance be found to exist, the local authority shall restore the premises at their own expense.

Any order made by a sheriff, magistrate, or justice, for the admission of the local authority or their officers or other persons under this section shall continue in force until the nuisance has been removed, or the work for which the entry was necessary has been done.