

**ACT 514**  
**OCCUPATIONAL SAFETY AND HEALTH ACT 1994**  
**PART XI - ENFORCEMENT AND INVESTIGATION**

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**Section 39. Powers of entry, inspection, examination, seizure, etc.**

(1) An occupational safety and health officer, in this Part referred to as the "officer", may, for the purpose of carrying out the objects of this Act or any regulation made thereunder, at any reasonable time and upon the production of his certificate of authorization enter, inspect and examine any place of work other than a place used solely for residential purposes:

Provided that he may enter the residential place with the consent of the owner or if he has reasonable cause to believe that a contravention of this Act or any regulation made thereunder has or is likely to be committed.

(2) In exercising his powers under subsection (1), an officer may -

- (a) make examination and investigation of any plant, substance, article or other thing whatsoever as may be necessary to ascertain whether or not this Act or any regulation made thereunder has been complied with;
- (b) direct that the place of work or any part thereof, or anything therein, shall be left undisturbed, whether generally or in particular respects, for so long as is reasonably necessary for the purpose of any examination or investigation under paragraph (a);
- (c) take such measurements and photographs and make such recordings as he considers necessary for the purpose of any examination or investigation under paragraph (a);
- (d) take samples of any article or substance found in the place of work which he has power to enter, and of the atmosphere in or in the vicinity of the place of work;
- (e) require any person employed in a place of work in which any of the diseases named in the Third Schedule of the Factories and Machinery Act 1967 or any disease named in any regulation or order made by the Minister under this Act has occurred or is likely to occur, to be medically examined by a medical officer or a registered medical practitioner.

(3) Where an officer is of the opinion that a plant or substance has caused or is likely to cause a danger to safety and health, he may -

- (a) cause it to be dismantled or subjected to any process or test at any convenient place and at such reasonable time as he may appoint, but not so as to damage or destroy it;
- (b) take possession of it and detain it for so long as is necessary for all or any of the following purposes:
  - (i) to examine it and do to it anything which he has power to do;
  - (ii) to ensure that it is not tampered with before his examination of it is completed;

(iii) to ensure that it is available for use as evidence in any proceedings for an offence under any of the provisions of this Act or regulation made thereunder.

(4) Where an officer is a medical officer he may -

(a) carry out such medical examination as may be necessary for the purposes of his duties under this Act or regulation made thereunder; and

(b) exercise such other powers as may be necessary or as are conferred under subsections (2) and (3).

(5) An officer may for the purposes of this section seek whenever necessary the assistance of the police if he has reasonable cause to apprehend any serious obstruction in the execution of his duty.

(6) Without prejudice to subsection (5), on entering any place of work or residential place by virtue of subsection (1), an officer may bring with him -

(a) any other person duly authorized by the Director General; or

(b) any equipment or material required for any purpose for which the power of entry is being exercised.