



Public Health etc. (Scotland) Act 2008

2008 asp 5

PART 3

PUBLIC HEALTH INVESTIGATIONS

Public health investigations

20 Public health incidents

- (1) A public health incident exists if—
 - (a) a circumstance mentioned in subsection (2), (3), (4), (5) or (6) occurs; and
 - (b) there are reasonable grounds to suspect that the circumstance is likely to give rise to a significant risk to public health.
- (2) The first circumstance is that—
 - (a) a person has an infectious disease; or
 - (b) there are reasonable grounds to suspect that a person has such a disease.
- (3) The second circumstance is that—
 - (a) a person has been exposed to an organism which causes infectious disease; or
 - (b) there are reasonable grounds to suspect that a person has been so exposed.
- (4) The third circumstance is that—
 - (a) a person is contaminated; or
 - (b) there are reasonable grounds to suspect that a person is contaminated.
- (5) The fourth circumstance is that—
 - (a) a person has been exposed to a contaminant; or
 - (b) there are reasonable grounds to suspect that a person has been so exposed.
- (6) The fifth circumstance is that—
 - (a) any premises are or any thing in or on premises is infected, infested or contaminated; or
 - (b) there are reasonable grounds to suspect that any premises are or thing is so infected, infested or contaminated.

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

- (7) In subsection (6), “infected”, “infested” and “contaminated” have the meanings given by section 72(5).

Commencement Information

I1 S. 20 in force at 1.10.2009 by S.S.I. 2009/319, art. 2(a), Sch. 1

21 Public health investigations

- (1) In this Part, a “public health investigation” means an investigation into the cause (or causes) of a public health incident.
- (2) A public health investigation may be carried out by a person appointed for the purpose by—
- (a) the Scottish Ministers;
 - (b) a health board competent person;
 - (c) the common services agency;
 - [^{F1}(ca) Public Health Scotland;]
 - (d) a local authority competent person;
 - (e) two or more of the persons mentioned in paragraphs (a) to (d) acting together, and, in this Part, that person is known as an “investigator”.
- (3) Despite subsection (2)(b) and (d), a health board competent person or a local authority competent person may be appointed as an investigator.
- (4) If an investigator considers it necessary for the purpose of, or in connection with, a public health investigation, the investigator may, subject to section 25(1), exercise—
- (a) the powers relating to entry to premises mentioned in section 22;
 - (b) the other investigatory powers mentioned in section 23; and
 - (c) the power to ask questions mentioned in section 24.

Textual Amendments

F1 S. 21(2)(ca) inserted (1.4.2020) by The Public Health Scotland Order 2019 (S.S.I. 2019/336), art. 1(3)(b), sch. 2 para. 6(4) (with art. 4(4)(5))

Commencement Information

I2 S. 21 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,
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