



# Public Health etc. (Scotland) Act 2008

## 2008 asp 5

### PART 4

#### PUBLIC HEALTH FUNCTIONS OF HEALTH BOARDS

##### *Review of orders*

#### **52 Duty to review exclusion and restriction orders**

- (1) This section applies where a person is subject to—
  - (a) an exclusion order; or
  - (b) a restriction order.
- (2) Without prejudice to section 53(2), a health board competent person of the appropriate health board must, during the period of 1 week ending with the relevant day, consider whether—
  - (a) the conditions mentioned in subsection (3)(a) and (b) continue to apply; and
  - (b) it continues to be necessary, to avoid or minimise a significant risk to public health, for the person to be subject to the order.
- (3) The conditions referred to in subsection (2)(a) are—
  - (a) that the person—
    - (i) has an infectious disease;
    - (ii) has been exposed to an organism which causes such a disease;
    - (iii) is contaminated; or
    - (iv) has been exposed to a contaminant; and
  - (b) that as a result there is a significant risk to public health.
- (4) If, having considered the matters mentioned in subsection (2)(a) and (b), the competent person is not satisfied—
  - (a) that the conditions mentioned in subsection (3)(a) and (b) continue to apply; or
  - (b) that it continues to be necessary for the person to be subject to the order,the competent person must revoke it.
- (5) In subsection (2)—

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

- “appropriate health board” has the same meaning as in section 48(5);  
 “relevant day” means—
- (a) the last day of the period of 3 weeks beginning with the day on which the order is made; and
  - (b) where that 3-week period has expired, the last day of each subsequent 3-week period.

#### Commencement Information

**I1** S. 52 in force at 1.10.2009 by S.S.I. 2009/319, art. 2(a), Sch. 1

### 53 Duty to keep exclusion and restriction orders under review

- (1) This section applies where a person is subject to—
  - (a) an exclusion order; or
  - (b) a restriction order.
- (2) Without prejudice to section 52(2), a health board competent person of the appropriate health board must, if requested to do so by the person to whom the order applies, and from time to time, consider whether—
  - (a) the conditions mentioned in section 52(3)(a) and (b) continue to apply; and
  - (b) it continues to be necessary, to avoid or minimise a significant risk to public health, for the person to be subject to the order.
- (3) If, having considered the matters mentioned in subsection (2)(a) and (b), the competent person is not satisfied—
  - (a) that the conditions mentioned in section 52(3)(a) and (b) continue to apply; or
  - (b) that it continues to be necessary for the person to be subject to the order,
 the competent person must revoke it.
- (4) In subsection (2), the “appropriate health board” has the same meaning as in section 48(5).

#### Commencement Information

**I2** S. 53 in force at 1.10.2009 by S.S.I. 2009/319, art. 2(a), Sch. 1

### 54 Duty to keep quarantine orders under review

- (1) This section applies where a person is subject to a quarantine order.
- (2) A health board competent person of the health board which applied for the order must, if requested to do so by the person to whom the order applies, and from time to time, consider whether—
  - (a) the conditions mentioned in subsection (3)(a) and (b) continue to apply; and
  - (b) it continues to be necessary, to avoid or minimise a significant risk to public health, for the person to be subject to the order.
- (3) The conditions referred to in subsection (2)(a) are—
  - (a) that it is known, or there are reasonable grounds to suspect, that the person—

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- (i) has an infectious disease;
  - (ii) has been exposed to an organism which causes such a disease;
  - (iii) is contaminated; or
  - (iv) has been exposed to a contaminant; and
- (b) that as a result there is or may be a significant risk to public health.
- (4) If, having considered the matters mentioned in subsection (2)(a) and (b), the competent person is not satisfied—
- (a) that the conditions mentioned in subsection (3)(a) and (b) continue to apply; or
  - (b) that it continues to be necessary for the person to be subject to the order,
- the competent person must revoke the order.

**Commencement Information**

**I3** S. 54 in force at 1.10.2009 by S.S.I. 2009/319, art. 2(a), Sch. 1

**55 Duty to keep hospital detention orders under review**

- (1) This section applies where a person is subject to—
- (a) a short term detention order; or
  - (b) an exceptional detention order.
- (2) A health board competent person of the health board which applied for the order must, if requested to do so by the person to whom the order applies, and from time to time, consider whether—
- (a) the conditions mentioned in subsection (3)(a) and (b) continue to apply; and
  - (b) it continues to be necessary, to avoid or minimise a significant risk to public health, for the person to be detained in hospital.
- (3) The conditions referred to in subsection (2)(a) are—
- (a) that the person—
    - (i) has an infectious disease; or
    - (ii) is contaminated;
  - (b) that as a result there is a significant risk to public health.
- (4) If, having considered the matters mentioned in subsection (2)(a) and (b), the competent person is not satisfied—
- (a) that the conditions mentioned in subsection (3)(a) and (b) continue to apply; or
  - (b) that it continues to be necessary for the person to be detained in hospital,
- the competent person must revoke the order.

**Commencement Information**

**I4** S. 55 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,  
Cross Heading: Review of orders.