



# Public Health etc. (Scotland) Act 2008

## 2008 asp 5

### PART 4

#### PUBLIC HEALTH FUNCTIONS OF HEALTH BOARDS

##### *Variation and extension of orders*

#### **50 Application for variation of quarantine and hospital detention orders**

- (1) This section applies where a person is subject to—
  - (a) a quarantine order;
  - (b) a short term detention order; or
  - (c) an exceptional detention order.
- (2) A health board may, if it considers it appropriate, apply to the sheriff for an order under section 51(1) modifying the order.
- (3) An application under subsection (2) must—
  - (a) specify—
    - (i) the order which it is proposed to modify;
    - (ii) the person to whom that order applies; and
    - (iii) the modification which it is proposed to make; and
  - (b) include a certificate such as is mentioned in subsection (4).
- (4) That certificate is one—
  - (a) stating that a health board competent person is satisfied—
    - (i) as to the matters mentioned in section 40(2)(a) and (b)(i), 42(2)(a) and (b)(i), 43(2)(a) and (b)(i) or, as the case may be, 45(2)(a); and
    - (ii) that it is necessary, to avoid or minimise a risk to public health, for the person to continue to be quarantined or, as the case may be, detained in hospital; and
  - (b) signed by that person.