



# 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.

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

## **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;
  - (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.