



# Public Health etc. (Scotland) Act 2008

## 2008 asp 5

### PART 4

#### PUBLIC HEALTH FUNCTIONS OF HEALTH BOARDS

##### *Appeals*

#### **62 Appeal against 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 person mentioned in subsection (3) may appeal to the sheriff principal against—
  - (a) the making of the order;
  - (b) in the case of a quarantine order, any conditions imposed by the order;
  - (c) any steps mentioned in section 46(2) specified in the order;
  - (d) a decision of the sheriff under section 59(8) confirming the order;
  - (e) the making of an order extending the order under section 49(5);
  - (f) the making of an order under section 51(1) modifying the order; or
  - (g) a decision of a health board competent person under section 54(4) or, as the case may be, 55(4) not to revoke the order.
- (3) The person referred to in subsection (2) is—
  - (a) the person in relation to whom the order applies; or
  - (b) any person who has an interest in the welfare of such a person.
- (4) An appeal under this section must be made before the expiry of the period of 14 days beginning with the day on which the order or, as the case may be, decision appealed against is made.
- (5) On an appeal under this section, the sheriff principal may—
  - (a) confirm the order appealed against;
  - (b) modify the order;

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*Status: This is the original version (as it was originally enacted).*

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- (c) revoke the order;
  - (d) confirm the decision appealed against;
  - (e) quash that decision;
  - (f) make such other order as the sheriff principal considers appropriate.
- (6) In subsection (5)(b), “modify” is to be construed in accordance with section 51(1).