



# Public Health etc. (Scotland) Act 2008

## 2008 asp 5

### PUBLIC HEALTH ETC. (SCOTLAND) ACT 2008

#### PART 1

##### PUBLIC HEALTH RESPONSIBILITIES

###### *The Scottish Ministers*

- 1 Duty of Scottish Ministers to protect public health

###### *Health boards*

- 2 Duty of health boards to protect public health
- 3 Designation of competent persons by health boards

###### *Local authorities*

- 4 Duty of local authorities to protect public health
- 5 Designation of competent persons by local authorities

###### *Co-operation and planning*

- 6 Duty of health boards and local authorities to co-operate
- 7 Joint public health protection plans

###### *Power of Scottish Ministers to intervene*

- 8 Power to direct health boards and local authorities
- 9 Power to direct that functions be exercised by other persons
- 10 Directions under section 9(1): supplementary
- 11 Power to direct allocation of resources

#### PART 2

##### NOTIFIABLE DISEASES, NOTIFIABLE ORGANISMS AND HEALTH RISK STATES

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### *Notifiable diseases and organisms*

- 12 Lists of notifiable diseases and notifiable organisms

#### *Duties to notify*

- 13 Notifiable diseases: duties on registered medical practitioners  
14 Health risk states: duties on registered medical practitioners  
15 Notifiable diseases and health risk states: duties on health boards  
16 Notifiable organisms: duties on directors of diagnostic laboratories

#### *Offences*

- 17 Notifiable organisms: offences

#### *Supplementary provision*

- 18 Electronic notification  
19 Notifiable diseases etc.: further provision

### **PART 3**

#### **PUBLIC HEALTH INVESTIGATIONS**

##### *Public health investigations*

- 20 Public health incidents  
21 Public health investigations

##### *Investigators' powers*

- 22 Powers relating to entry to premises  
23 Other investigatory powers  
24 Power to ask questions  
25 Supplementary  
26 Entry to dwellinghouses  
27 Public health investigation warrants  
28 Use of powers in emergencies

##### *Offences*

- 29 Public health investigation offences

##### *Compensation*

- 30 Public health investigations: compensation

### **PART 4**

#### **PUBLIC HEALTH FUNCTIONS OF HEALTH BOARDS**

##### *Duty to give explanation*

- 31 Duty of health boards to give explanation of need for action  
32 Relevant actions

##### *Medical examinations*

- 33 Application to have person medically examined  
34 Order for medical examination

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- 35 Medical examination: least invasive and least intrusive procedures
- 36 Medical examination of groups

*Exclusion orders and restriction orders*

- 37 Exclusion orders
- 38 Restriction orders

*Quarantine*

- 39 Application to have person quarantined
- 40 Quarantine orders

*Removal to and detention in hospital*

- 41 Application to have person detained in hospital
- 42 Order for removal to and detention in hospital
- 43 Order for detention in hospital
- 44 Application where long term detention in hospital necessary
- 45 Exceptional detention order

*Quarantine and detention: steps that may be taken*

- 46 Authorised steps
- 47 Authorised steps: least invasive and least intrusive procedures

*Variation and extension of orders*

- 48 Variation of exclusion and restriction orders
- 49 Extension of quarantine and hospital detention orders
- 50 Application for variation of quarantine and hospital detention orders
- 51 Variation of quarantine and hospital detention orders

*Review of orders*

- 52 Duty to review exclusion and restriction orders
- 53 Duty to keep exclusion and restriction orders under review
- 54 Duty to keep quarantine orders under review
- 55 Duty to keep hospital detention orders under review

*Compensation*

- 56 Compensation for voluntary compliance with request
- 57 Compensation for persons subject to certain orders
- 58 Compensation for carers

*Recall of orders granted in absence*

- 59 Recall of orders granted in absence of person to whom application relates

*Appeals*

- 60 Appeal against orders for medical examination
- 61 Appeal against exclusion orders and restriction orders
- 62 Appeal against quarantine and hospital detention orders

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- 63 Exclusion orders and restriction orders: further appeal to sheriff principal
- 64 Appeal to Court of Session
- 65 Effect of appeal under section 61, 62, 63 or 64

*Breach of orders and offences*

- 66 Absconding from quarantine
- 67 Absconding from hospital
- 68 Obstruction
- 69 Offences arising from breach of orders under this Part
- 70 Failure to ensure child's compliance with order

*Procedure*

- 71 Applications and appeals

**PART 5**

PUBLIC HEALTH FUNCTIONS OF LOCAL AUTHORITIES

*Facilities for disinfection etc.*

- 72 Provision of facilities for disinfection etc.

*Disinfection etc. of premises and things*

- 73 Notice on occupier or owner of infected etc. premises or things
- 74 Inspection of premises in relation to which notice served
- 75 Failure to comply with notice
- 76 Power of local authority to disinfect etc. premises or things
- 77 Entry to dwellinghouses
- 78 Warrant to enter and take steps
- 79 Use of powers in emergencies

*Offences*

- 80 Obstruction

*Recovery of expenses*

- 81 Recovery of expenses

*Compensation*

- 82 Compensation

*Appeals*

- 83 Appeals against notices under this Part
- 84 Appeal to sheriff principal
- 85 Appeal to Court of Session

*Existing functions*

- 86 Application of this Part where other functions being exercised

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## **PART 6**

### MORTUARIES ETC.

#### *Provision of mortuaries*

- 87 Provision of mortuaries by local authorities
- 88 Provision of mortuaries by health boards
- 89 Co-operation by local authorities and health boards

#### *Protection of public from risks arising from bodies*

- 90 Restriction on release of infected etc. bodies from hospital
- 91 Duty of health board where infected etc. person dies
- 92 Application for order in relation to bodies retained in premises
- 93 Power of sheriff to order removal to mortuary and disposal

## **PART 7**

### INTERNATIONAL TRAVEL

- 94 International travel

## **PART 8**

### REGULATION OF PROVISION OF SUNBEDS

#### *Offences*

- 95 Prohibition on allowing use of sunbeds by persons under 18
- 96 Prohibition on sale or hire of sunbeds to persons under 18
- 97 Remote sale or hire of sunbeds
- 98 Prohibition on allowing unsupervised use of sunbeds
- 99 Medical use of sunbeds
- 100 Duty to provide information to sunbed users
- 101 Duty to display information notice

#### *Enforcement*

- 102 Power to enter premises
- 103 Power to enter premises: entry to dwellinghouses
- 104 Power to require identification of operator
- 105 Fixed penalties for offences under section 95, 98, 100 or 101
- 106 Withdrawal of notices
- 107 Penalties for offences under Part 8

#### *Interpretation*

- 108 Interpretation of Part 8

## **PART 9**

### STATUTORY NUISANCES

- 109 Insect nuisance
- 110 Artificial light nuisance
- 111 Statutory nuisance: land covered with water
- 112 Power to make further provision regarding statutory nuisances
- 113 Enforcement of statutory nuisances: fixed penalty notice

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- 114 Procedure for regulations
- 115 Sewerage nuisance: local authority powers

## PART 10

### GENERAL AND MISCELLANEOUS

#### *General and miscellaneous*

- 116 Equal opportunities
- 117 Disclosure of information
- 118 Liability of persons exercising functions
- 119 Offences by bodies corporate etc.
- 120 Penalties for offences under this Act
- 121 Form of applications etc.
- 122 Regulations and orders
- 123 Meaning of “premises”
- 124 Interpretation
- 125 Minor and consequential amendments
- 126 Repeals, revocations and saving
- 127 Crown application
- 128 Short title and commencement

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#### SCHEDULE 1 — Lists of notifiable diseases and notifiable organisms

##### Part 1 — NOTIFIABLE DISEASES

Anthrax Botulism Brucellosis Cholera Clinical syndrome due to E.coli  
O157...

##### Part 2 — NOTIFIABLE ORGANISMS

Bacillus anthracis Bacillus cereus Bordetella pertussis Borrelia  
burgdorferi Brucella genus...

#### SCHEDULE 2 — Minor and consequential amendments

##### *The Public Works Loans Act 1887 (c. 37)*

- 1 In the Public Works Loans Act 1887, in section 4(2)...

##### *The Children and Young Persons (Scotland) Act 1937 (c. 37)*

- 2 In the Children and Young Persons (Scotland) Act 1937, in...

##### *The Prevention of Damage by Pests Act 1949 (c. 55)*

- 3 In the Prevention of Damage by Pests Act 1949, in...

##### *The Pests Act 1954 (c. 68)*

- 4 In the Pests Act 1954, in section 6 (charges for...

##### *The Offices, Shops and Railway Premises Act 1963 (c. 41)*

- 5 In the Offices, Shops and Railway Premises Act 1963, in...

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*The Statutory Nuisance (Appeals) (Scotland) Regulations 1996 (S.I. 1996/1076)*

6 (1) The Statutory Nuisance (Appeals) (Scotland) Regulations 1996 are amended...

SCHEDULE 3 — Repeals and revocations

Part 1 — REPEALS

Part 2 — REVOCATIONS

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 92(1)(b) word inserted by [2016 asp 20 Sch. 1 para. 2\(b\)](#)
- s. 93(4) repealed by [2016 asp 20 Sch. 2](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 92(1)(b)(i)(ii) inserted by [2016 asp 20 Sch. 1 para. 2\(a\)](#)