

PUBLIC HEALTH ETC. (SCOTLAND) ACT 2008

EXPLANATORY NOTES

THE ACT – OVERVIEW

Part 4

Public Health Functions of Health Boards

Recall of orders granted in absence

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

118. This section applies where a quarantine order, a short term detention order or an exceptional detention order is made in the absence of the person to whom the order applies.
119. Subsection (2) states that a person mentioned in subsection (3) may apply to the sheriff for an order recalling the order. Subsection (4) provides that such an application must be made before the expiry of 72 hours from when the order to which the application relates was notified to the person to whom it applies. Subsection (5) provides that despite the making of an application under this section, the order to which it relates has effect as if the application was not made. Subsection (6) requires the sheriff to give the persons mentioned in subsection (7) the opportunity of making representations orally or in writing, and of leading or producing evidence, before determining an application under this section. Subsection (8) states that on an application under this section, the sheriff may confirm or revoke the order.