



Public Health etc. (Scotland) Act 2008

2008 asp 5

PART 4

PUBLIC HEALTH FUNCTIONS OF HEALTH BOARDS

Quarantine

39 Application to have person quarantined

- (1) This section applies where—
- (a) a health board knows or suspects that a person who is present in that board's area—
 - (i) has an infectious disease;
 - (ii) has been exposed to an organism which causes such a disease;
 - (iii) is contaminated; or
 - (iv) has been exposed to a contaminant; and
 - (b) it appears to the board that as a result—
 - (i) there is or may be a significant risk to public health; and
 - (ii) it is necessary, to avoid or minimise that risk, for the person to be quarantined.
- (2) The board may apply to any sheriff for the board's area for an order under section 40(1) (a “quarantine order”).
- (3) An application under subsection (2) must—
- (a) specify—
 - (i) the person in relation to whom the quarantine order is sought;
 - (ii) why the board considers it necessary for the person to be quarantined;
 - (iii) the place in which it is proposed to quarantine the person;
 - (iv) the period for which it is proposed to quarantine the person;
 - (v) the steps (if any) mentioned in section 46(2) which the board considers it necessary to take in relation to the person;
 - (vi) the conditions (if any) which the board considers it is necessary to include in the order;

Changes to legislation: Public Health etc. (Scotland) Act 2008, Cross Heading: Quarantine is up to date with all changes known to be in force on or before 31 January 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (vii) whether an explanation has been given under section 31(3) or (5);
 - (viii) where such an explanation has been given, any response made by or representations made on behalf of the person in relation to whom the order is sought;
 - (ix) where no such explanation has been given, the reason why; and
 - (b) include a certificate—
 - (i) stating that a health board competent person is satisfied as to the matters mentioned in subsection (1); and
 - (ii) signed by that person.
- (4) In this Part, references to a person being “quarantined” are references to the person being detained in that person’s residence or in another place (not being a hospital); and cognate expressions are to be construed accordingly.

Annotations:

Commencement Information

II S. 39 in force at 1.10.2009 by S.S.I. 2009/319, art. 2(a), Sch. 1

40 Quarantine orders

- (1) The sheriff may, if satisfied as to the matters mentioned in subsection (2), make a quarantine order—
- (a) authorising—
 - (i) the quarantining of the person;
 - (ii) where the person is not in the place in which that person is to be quarantined, the removal of the person to that place; and
 - (iii) the taking in relation to the person of such of the steps mentioned in section 46(2) (if any) as the sheriff considers appropriate; and
 - (b) imposing such conditions (if any) in relation to the quarantine as the sheriff considers appropriate.
- (2) The matters referred to in subsection (1) are—
- (a) that it is known, or there are reasonable grounds to suspect, that the person—
 - (i) has an infectious disease;
 - (ii) has been exposed to an organism which causes such a disease;
 - (iii) is contaminated; or
 - (iv) has been exposed to a contaminant;
 - (b) that as a result—
 - (i) there is or may be a significant risk to public health; and
 - (ii) it is necessary, to avoid or minimise that risk, for the person to be quarantined; and
 - (c) that—
 - (i) before the application under section 39(2) was made, the health board gave an explanation under section 31(3) or (5); or
 - (ii) where no such explanation was given, it was not reasonably practicable to do so.
- (3) A quarantine order has effect—

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- (a) from the time at which it is made;
 - (b) for such period, not exceeding 3 weeks beginning with the day on which the order is made, as the sheriff considers appropriate.
- (4) A person may be removed to a place in which the person is to be quarantined by—
- (a) a constable;
 - (b) an officer of the health board;
 - (c) an officer of a local authority; or
 - (d) any other person the sheriff considers appropriate.
- (5) Conditions imposed by a quarantine order may include—
- (a) conditions relating to—
 - (i) the persons who may have access to the place in which a person is quarantined; and
 - (ii) the purposes for which such persons may have access;
 - (b) conditions relating to—
 - (i) the persons who may have access to the quarantined person; and
 - (ii) the purposes for which such persons may have access;
 - (c) conditions relating to the welfare of the quarantined person.
- (6) A quarantine order must—
- (a) specify—
 - (i) the person to whom the order applies;
 - (ii) the place in which the person is to be quarantined;
 - (iii) the period for which the person is to be quarantined;
 - (iv) the steps mentioned in section 46(2) (if any) which may be taken in relation to the quarantined person; and
 - (v) any conditions imposed; and
 - (b) be notified to—
 - (i) the person to whom it applies;
 - (ii) any person to whom an explanation was given under section 31(5);
and
 - (iii) any other person the sheriff considers appropriate.

Annotations:

Commencement Information

I2 S. 40 in force at 1.10.2009 by S.S.I. 2009/319, art. 2(a), Sch. 1

Changes to legislation:

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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\(a\)](#)