



Public Health etc. (Scotland) Act 2008

2008 asp 5

PART 4

PUBLIC HEALTH FUNCTIONS OF HEALTH BOARDS

Medical examinations

36 Medical examination of groups

(1) Where—

- (a) a person in relation to whom a health board is satisfied as to the matters mentioned in section 33(1) is one of a group of two or more persons; and
- (b) the board is satisfied that it is necessary, to avoid or minimise a significant risk to public health, for each member of the group to be medically examined,

the board may apply under section 33(2) for an order in relation to all of the persons in that group.

(2) Where subsection (1) applies—

- (a) sections 31(3) to (5) and 33(3) apply in relation to the persons in the group as they apply in relation to a person;
- (b) the certificate mentioned in section 33(3)(b) must state, in addition to the matters mentioned in section 33(3)(b)(i), that the competent person is satisfied that it is necessary, to avoid or minimise an actual or anticipated significant risk to public health, for all the persons in the group to be medically examined;
- (c) the sheriff may, if satisfied—

- (i) as to the matters mentioned in section 34(2)(a) and (b) in relation to at least one member of the group; and
- (ii) as to the matter mentioned in section 34(2)(c) in relation to each member of the group,

make an order under section 34(1) in relation to each member of the group; and

- (d) section 34(6) applies in relation to the persons in the group as it applies to a person.

Changes to legislation: Public Health etc. (Scotland) Act 2008, Section 36 is up to date with all changes known to be in force on or before 30 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)

Annotations:

Commencement Information

II S. 36 in force at 1.10.2009 by S.S.I. 2009/319, art. 2(a), **Sch. 1**

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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\(a\)](#)