



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: There are currently no known outstanding effects for the Public Health etc. (Scotland) Act 2008, Section 39. (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.

Commencement Information

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

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