



# Public Health etc. (Scotland) Act 2008

## 2008 asp 5

### PART 4

#### PUBLIC HEALTH FUNCTIONS OF HEALTH BOARDS

##### *Removal to and detention in hospital*

#### **43 Order for detention in hospital**

- (1) The sheriff may, if satisfied as to the matters mentioned in subsection (2), make an order authorising—
  - (a) the detention of a person in hospital; and
  - (b) the taking in relation to the person of such of the steps mentioned in section 46(2) (if any) as the sheriff considers appropriate.
- (2) The matters referred to in subsection (1) are—
  - (a) that the person—
    - (i) has an infectious disease; or
    - (ii) is contaminated;
  - (b) that as a result—
    - (i) there is a significant risk to public health; and
    - (ii) it is necessary, to avoid or minimise that risk, for the person to be detained in hospital; and
  - (c) that—
    - (i) before the application under section 41(2)(b) 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) An order under subsection (1) has effect—
  - (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) An order under subsection (1) must—

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*Status: This is the original version (as it was originally enacted).*

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- (a) specify—
  - (i) the person to whom the order applies;
  - (ii) the hospital in which the person is to be detained;
  - (iii) the period for which the person is to be detained in hospital; and
  - (iv) the steps mentioned in section 46(2) (if any) which may be taken in relation to the person; 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.