



# Public Health etc. (Scotland) Act 2008

## 2008 asp 5

### PART 4

#### PUBLIC HEALTH FUNCTIONS OF HEALTH BOARDS

##### *Variation and extension of orders*

#### **51 Variation of quarantine and hospital detention orders**

- (1) The sheriff may, if satisfied as to the matters mentioned in subsection (2) and that it is appropriate to do so, make an order modifying the order to which the application relates—
  - (a) in the case of a quarantine order, by—
    - (i) varying the place in which the person is to be quarantined;
    - (ii) adding, varying or removing conditions;
  - (b) in the case of a short term detention order or an exceptional detention order, by varying the hospital in which the person is detained;
  - (c) in either case, by adding or removing any step such as is mentioned in section 46(2).
- (2) The matters referred to in subsection (1) are—
  - (a) the matters mentioned in section 40(2)(a) and (b)(i), 42(2)(a) and (b)(i), 43(2)(a) and (b)(i) or, as the case may be, 45(2)(a); and
  - (b) that it is necessary, to avoid or minimise a risk to public health, for the person to continue to be quarantined or, as the case may be, detained in hospital.
- (3) An order modified by virtue of subsection (1) has effect as so modified from the time at which the order under that subsection is made.
- (4) Where the modification under subsection (1) varies the place in which a person is to be quarantined or, as the case may be, the hospital in which a person is to be detained, the order as so modified authorises—
  - (a) the removal of the person to that place or, as the case may be, hospital, by—
    - (i) a constable;
    - (ii) an officer of the health board;

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*Status: This is the original version (as it was originally enacted).*

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- (iii) an officer of a local authority; or
    - (iv) any other person the sheriff considers appropriate; and
  - (b) the quarantining of the person in that place or, as the case may be, the detention of that person in that hospital.
- (5) An order under subsection (1) must—
  - (a) specify—
    - (i) the person to whom the order modified by virtue of that subsection applies; and
    - (ii) the modification made by virtue of that subsection; and
  - (b) be notified to—
    - (i) the person to whom the order applies;
    - (ii) any person to whom an explanation was given under section 31(5); and
    - (iii) any other person the sheriff considers appropriate.