Public Health etc. (Scotland) Act 2008

2008 asp 5

PART 4

PUBLIC HEALTH FUNCTIONS OF HEALTH BOARDS

Review of orders

52 Duty to review exclusion and restriction orders

(1) This section applies where a person is subject to—

(a) an exclusion order; or

(b) a restriction order.

(2) Without prejudice to section 53(2), a health board competent person of the appropriate health board must, during the period of 1 week ending with the relevant day, consider whether—

(a) the conditions mentioned in subsection (3)(a) and (b) continue to apply; and

(b) it continues to be necessary, to avoid or minimise a significant risk to public health, for the person to be subject to the order.

(3) The conditions referred to in subsection (2)(a) are—

(a) 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; and

(b) that as a result there is a significant risk to public health.

(4) If, having considered the matters mentioned in subsection (2)(a) and (b), the competent person is not satisfied—

(a) that the conditions mentioned in subsection (3)(a) and (b) continue to apply; or

(b) that it continues to be necessary for the person to be subject to the order,

the competent person must revoke it.

(5) In subsection (2)—

"appropriate health board" has the same meaning as in section 48(5);

"relevant day" means—

(a) the last day of the period of 3 weeks beginning with the day on which the order is made; and

(b) where that 3-week period has expired, the last day of each subsequent 3-week period.

Commencement Information

I1 S. 52 in force at 1.10.2009 by S.S.I. 2009/319, art. 2(a), **Sch. 1**

Changes to legislation:
There are currently no known outstanding effects for the Public Health etc. (Scotland) Act 2008, Section 52.