



# Public Health etc. (Scotland) Act 2008

## 2008 asp 5

### PART 4

#### PUBLIC HEALTH FUNCTIONS OF HEALTH BOARDS

##### *Review of orders*

#### **55 Duty to keep hospital detention orders under review**

- (1) This section applies where a person is subject to—
  - (a) a short term detention order; or
  - (b) an exceptional detention order.
- (2) A health board competent person of the health board which applied for the order must, if requested to do so by the person to whom the order applies, and from time to time, 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 detained in hospital.
- (3) The conditions referred to in subsection (2)(a) are—
  - (a) that the person—
    - (i) has an infectious disease; or
    - (ii) is contaminated;
  - (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 detained in hospital,the competent person must revoke the order.

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**Changes to legislation:** Public Health etc. (Scotland) Act 2008, Section 55 is up to date with all changes known to be in force on or before 09 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)

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**Annotations:**

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**Commencement Information**

**II** S. 55 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\(a\)](#)