



Public Health etc. (Scotland) Act 2008

2008 asp 5

PART 2

NOTIFIABLE DISEASES, NOTIFIABLE ORGANISMS AND HEALTH RISK STATES

Duties to notify

16 Notifiable organisms: duties on directors of diagnostic laboratories

- (1) This section applies where a diagnostic laboratory identifies a notifiable organism.
- (2) The director of the laboratory must, before the expiry of the period of 10 days beginning with the day of identification, provide to the persons mentioned in subsection (5), in writing, the information mentioned in subsection (6) in so far as it is known to the director.
- (3) Without prejudice to subsection (2), if the director considers that the case is urgent, the director must, as soon as reasonably practicable, orally provide to the persons mentioned in subsection (5)—
 - (a) the information mentioned in subsection (6) in so far as it is known to the director; and
 - (b) an explanation of why the director considers the case is urgent.
- (4) In determining whether a case is urgent, the director must have regard to—
 - (a) the nature of the organism;
 - (b) the nature of the disease which that organism causes;
 - (c) the ease of transmission of that disease or organism;
 - (d) where known, the patient's circumstances (including age, sex and health); and
 - (e) any guidance issued by the Scottish Ministers.
- (5) The persons referred to in subsections (2) and (3) are—
 - (a) the health board in whose area the diagnostic laboratory is situated; ^{F1}...
 - (b) the common services [^{F2}agency; and]
 - ^{F3}(c) Public Health Scotland.]
- (6) The information referred to in subsections (2) and (3)(a) is—

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- (a) the name of the person to whom the identification relates;
 - (b) the person's address;
 - (c) the person's sex;
 - (d) the person's date of birth;
 - (e) the organism which has been identified; and
 - (f) the person's NHS identifier.
- (7) Where—
- (a) a health board receives information under subsection (2) or (3); and
 - (b) that information relates to a person who does not usually reside in the area of that board,
- the board must without delay transmit that information to the health board for the area in which the person usually resides.
- (8) For the purposes of subsection (1), a diagnostic laboratory identifies a notifiable organism where—
- (a) the diagnostic laboratory identifies the organism; or
 - (b) the organism is identified by another laboratory under an arrangement with that diagnostic laboratory.
- (9) Where subsection (8)(b) applies, the day of identification, for the purposes of subsection (2), is the day on which the diagnostic laboratory becomes aware of the identification by the other laboratory.
- (10) In this section and section 17—
- “diagnostic laboratory” means an institution (or facility within an institution) which is equipped with apparatus and reagents for the performance of diagnostic tests for human infections; and
- “director” of a diagnostic laboratory means—
- (a) the clinical microbiologist, consultant pathologist or other registered medical practitioner or other person in charge of a diagnostic laboratory; or
 - (b) any other person working in the diagnostic laboratory to whom the function of making a notification under this section has been delegated by the person mentioned in paragraph (a).

Textual Amendments

- F1** Word in s. 16(5)(a) omitted (1.4.2020) by virtue of [The Public Health Scotland Order 2019 \(S.S.I. 2019/336\)](#), [art. 1\(3\)\(b\)](#), [sch. 2 para. 6\(3\)\(a\)](#) (with [art. 4\(4\)\(5\)](#))
- F2** Words in s. 16(5)(b) substituted (1.4.2020) by [The Public Health Scotland Order 2019 \(S.S.I. 2019/336\)](#), [art. 1\(3\)\(b\)](#), [sch. 2 para. 6\(3\)\(b\)](#) (with [art. 4\(4\)\(5\)](#))
- F3** S. 16(5)(c) inserted (1.4.2020) by [The Public Health Scotland Order 2019 \(S.S.I. 2019/336\)](#), [art. 1\(3\)\(b\)](#), [sch. 2 para. 6\(3\)\(c\)](#) (with [art. 4\(4\)\(5\)](#))

Commencement Information

- I1** S. 16 in force at 1.1.2010 by [S.S.I. 2009/404](#), [art. 2\(3\)](#), [Sch. 3](#)

Changes to legislation:

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