



Public Health etc. (Scotland) Act 2008

2008 asp 5

PART 4

PUBLIC HEALTH FUNCTIONS OF HEALTH BOARDS

Medical examinations

33 Application to have person medically examined

- (1) This section applies where—
- (a) a health board knows or suspects that a person who is present in that board's area—
 - (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) it appears to the board that as a result—
 - (i) there is or may be a significant risk to public health; and
 - (ii) it is necessary, to avoid or minimise that risk, for the person to be medically examined.
- (2) The board may apply to any sheriff for the board's area for an order under section 34(1) in relation to the person.
- (3) An application under subsection (2) must—
- (a) specify—
 - (i) the person in relation to whom the order is sought;
 - (ii) the reason why the board considers it necessary for the person to be medically examined;
 - (iii) the class or classes of health care professional by whom it is proposed that the examination is to be carried out;
 - (iv) the nature of the examination the board proposes be carried out;
 - (v) whether an explanation has been given under section 31(3) or (5);

Changes to legislation: There are currently no known outstanding effects for the Public Health etc. (Scotland) Act 2008, Section 33. (See end of Document for details)

- (vi) where such an explanation has been given, any response made by or representations made on behalf of the person in relation to whom the order is sought;
 - (vii) where no such explanation has been given, the reason why; and
- (b) include a certificate—
- (i) stating that a health board competent person is satisfied as to the matters mentioned in subsection (1); and
 - (ii) signed by the competent person.
- (4) In this Part, “health care professional” means—
- (a) a registered medical practitioner;
 - (b) a registered nurse; or
 - (c) any other member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002 (c. 17).

Commencement Information

II S. 33 in force at 1.10.2009 by S.S.I. 2009/319, art. 2(a), Sch. 1

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