

PUBLIC HEALTH ETC. (SCOTLAND) ACT 2008

EXPLANATORY NOTES

THE ACT – OVERVIEW

Part 4

Public Health Functions of Health Boards

Review of orders

Section 52 Duty to review exclusion and restriction orders

102. This section places a duty on health board competent persons to keep exclusion and restriction orders under review. Regardless of whether the subject of an order has requested a review under section 53, the health board competent person must carry out a review during the last week of each three-week period to consider whether the conditions for the order continue to apply and whether it continues to be necessary, to avoid or minimise a significant risk to public health, for the person to be subject to the order.
103. If the health board competent person is not satisfied that these conditions continue to apply or that it continues to be necessary for the person to be subject to the order, the health board competent person must revoke it.

Section 53 Duty to keep exclusion and restriction orders under review

104. This section provides that if a person subject to an exclusion or restriction order requests a review of that order, a health board competent person of the appropriate health board must consider whether the conditions for the order continue to apply and whether it continues to be necessary for the person to be subject to the order. In addition, the health board competent person must from time to time carry out such a review. If the health board competent person is not satisfied that the conditions for an exclusion or restriction order continue to apply or that it continues to be necessary for the person to be subject to the order, then the health board competent person must revoke it.

Section 54 Duty to keep quarantine orders under review

105. If a person subject to a quarantine order requests a review of that order, a competent person of the health board which applied for the order must consider whether the conditions for the order continue to apply. In addition, the competent person must carry out such a review from time to time. If the health board competent person is not satisfied that the conditions for the quarantine order continue to apply or that it continues to be necessary for the person to be subject to the order, then the health board competent person must revoke it.

*These notes relate to the Public Health etc. (Scotland) Act
2008 (asp 5) which received Royal Assent on 16 July 2008*

Section 55 Duty to keep hospital detention orders under review

106. This section makes the same provision concerning reviews for persons subject to short term or exceptional detention orders as section 54 does in respect of persons subject to quarantine orders.