



# 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);

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*Status: This is the original version (as it was originally enacted).*

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- (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](#)).