



Public Health etc. (Scotland) Act 2008

2008 asp 5

PART 4 **S**

PUBLIC HEALTH FUNCTIONS OF HEALTH BOARDS

Removal to and detention in hospital

41 Application to have person detained in hospital **S**

- (1) This section applies where—
 - (a) a health board knows that a person who is present in that board's area—
 - (i) has an infectious disease; or
 - (ii) is contaminated; and
 - (b) it appears to the board that as a result—
 - (i) there is a significant risk to public health; and
 - (ii) it is necessary, to avoid or minimise that risk, for the person to be detained in hospital.
- (2) The board may apply to any sheriff for the board's area—
 - (a) where the person is not in hospital, for an order under section 42(1);
 - (b) where the person is in hospital, for an order under section 43(1).
- (3) An order referred to in subsection (2) is a “short term detention order”.
- (4) An application under subsection (2) must—
 - (a) specify—
 - (i) the person in relation to whom the order is sought;
 - (ii) why the board considers it necessary for the person to be detained in hospital;
 - (iii) the hospital in which it is proposed to detain the person;
 - (iv) the period for which it is proposed to detain the person;
 - (v) the steps (if any) mentioned in section 46(2) which the board considers it necessary to take in relation to the person;
 - (vi) 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 41. (See end of Document for details)

- (vii) 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;
 - (viii) 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 that person.

Commencement Information

II S. 41 in force at 1.10.2009 by S.S.I. 2009/319, art. 2(a), Sch. 1

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