



# Public Health etc. (Scotland) Act 2008

## 2008 asp 5

### PART 4

#### PUBLIC HEALTH FUNCTIONS OF HEALTH BOARDS

##### *Variation and extension of orders*

#### **49 Extension of quarantine and hospital detention orders**

- (1) This section applies where a person is subject to—
  - (a) a quarantine order;
  - (b) a short term detention order; or
  - (c) an exceptional detention order.
- (2) A health board may, before the period specified in the order expires, apply to the sheriff for an extension of the order.
- (3) An application under subsection (2) must—
  - (a) specify—
    - (i) the order which it is proposed to extend; and
    - (ii) the person to whom that order applies; and
  - (b) include a certificate such as is mentioned in subsection (4).
- (4) That certificate is one—
  - (a) stating that a health board competent person is satisfied—
    - (i) as to the matters mentioned in section 40(2)(a) and (b)(i), 42(2)(a) and (b)(i), 43(2)(a) and (b)(i) or, as the case may be, 45(2)(a); and
    - (ii) that it is necessary, to avoid or minimise a risk to public health, for the person to continue to be quarantined or, as the case may be, detained in hospital; and
  - (b) signed by that person.
- (5) The sheriff may, if satisfied as to the matters mentioned in subsection (6)—
  - (a) in the case of a quarantine order or a short term detention order, make an order extending the order, subject to subsection (8), for a further period not

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- exceeding 3 weeks beginning with the day on which the period specified in the order would have expired;
- (b) in the case of an exceptional detention order, make an order extending the order, subject to subsection (9), for a further period beginning with the day on which the period specified in the order would have expired.
- (6) The matters referred to in subsection (5) are—
- (a) the matters mentioned in section 40(2)(a) and (b)(i), 42(2)(a) and (b)(i), 43(2)(a) and (b)(i) or, as the case may be, 45(2)(a); and
- (b) that it is necessary, to avoid or minimise the risk to public health, for the person to continue to be quarantined or, as the case may be, detained in hospital.
- (7) An order may be extended on more than one occasion.
- (8) A quarantine order or a short term detention order may not be extended if doing so would result in the person to whom it applies being quarantined or, as the case may be, detained in hospital for a continuous period exceeding 12 weeks.
- (9) An exceptional detention order may not be extended if doing so would result in the person to whom it applies being detained in hospital by virtue of that order for a continuous period exceeding 12 months.
- (10) An order under subsection (5)(a) or (b) must—
- (a) specify—
- (i) the person to whom the order extended by virtue of that subsection applies; and
- (ii) the period for which that order is extended; and
- (b) be notified to—
- (i) the person to whom the order applies;
- (ii) any person to whom an explanation was given under section 31(5); and
- (iii) any other person the sheriff considers appropriate.

**Commencement Information**

**II** S. 49 in force at 1.10.2009 by S.S.I. 2009/319, art. 2(a), Sch. 1

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