



# Public Health etc. (Scotland) Act 2008

## 2008 asp 5

### PART 4

#### PUBLIC HEALTH FUNCTIONS OF HEALTH BOARDS

##### *Review of orders*

#### **52 Duty to review exclusion and restriction orders**

- (1) This section applies where a person is subject to—
  - (a) an exclusion order; or
  - (b) a restriction order.
- (2) Without prejudice to section 53(2), a health board competent person of the appropriate health board must, during the period of 1 week ending with the relevant day, consider whether—
  - (a) the conditions mentioned in subsection (3)(a) and (b) continue to apply; and
  - (b) it continues to be necessary, to avoid or minimise a significant risk to public health, for the person to be subject to the order.
- (3) The conditions referred to in subsection (2)(a) are—
  - (a) that the person—
    - (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) that as a result there is a significant risk to public health.
- (4) If, having considered the matters mentioned in subsection (2)(a) and (b), the competent person is not satisfied—
  - (a) that the conditions mentioned in subsection (3)(a) and (b) continue to apply; or
  - (b) that it continues to be necessary for the person to be subject to the order,the competent person must revoke it.
- (5) In subsection (2)—

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*Status: This is the original version (as it was originally enacted).*

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“appropriate health board” has the same meaning as in section 48(5);

“relevant day” means—

- (a) the last day of the period of 3 weeks beginning with the day on which the order is made; and
- (b) where that 3-week period has expired, the last day of each subsequent 3-week period.