



# Public Health etc. (Scotland) Act 2008

## 2008 asp 5

### PART 4

#### PUBLIC HEALTH FUNCTIONS OF HEALTH BOARDS

##### *Medical examinations*

#### **34 Order for medical examination**

- (1) The sheriff may, if satisfied as to the matters mentioned in subsection (2), make an order authorising the medical examination of the person to whom the application under section 33(2) relates.
- (2) The matters referred to in subsection (1) are—
  - (a) that it is known, or there are reasonable grounds to suspect, 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;
  - (b) 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; and
  - (c) that—
    - (i) before the application under section 33(2) was made, the health board gave an explanation under section 31(3) or (5); or
    - (ii) where no such explanation was given, it was not reasonably practicable to do so.
- (3) An order under subsection (1) may make provision about such other matters in connection with the examination as the sheriff considers appropriate.
- (4) Subject to subsection (5), an order under subsection (1) has effect from the time at which it is made until—
  - (a) the expiry of the period of 7 days beginning with that time; or

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**Changes to legislation:** There are currently no known outstanding effects for the  
Public Health etc. (Scotland) Act 2008, Section 34. (See end of Document for details)

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- (b) the carrying out of a medical examination authorised by the order, whichever occurs first.
- (5) Where, before the medical examination is carried out, an appeal under section 60(1) is made—
  - (a) the order appealed against is suspended; and
  - (b) in calculating the period of 7 days mentioned in subsection (4)(a), no account is to be taken of the period during which the order is suspended.
- (6) An order under subsection (1) must—
  - (a) specify—
    - (i) the person to whom it applies; and
    - (ii) the class or classes of health care professional by whom the medical examination is to be carried out; and
  - (b) be notified to—
    - (i) the person to whom it applies;
    - (ii) any person to whom an explanation was given under section 31(5); and
    - (iii) any other person the sheriff considers appropriate.

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**Commencement Information**

**II** S. 34 in force at 1.10.2009 by [S.S.I. 2009/319](#), art. 2(a), [Sch. 1](#)

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