

SCHEDULE

Paragraph 2(3)

Form 36

**Rule 3.39.2(1)**

FORM OF APPLICATION FOR WARRANT UNDER SECTION 27 OF THE  
PUBLIC HEALTH ETC. (SCOTLAND) ACT 2008

SHERIFFDOM OF *(insert name of sheriffdom)*

AT *(insert place of sheriff court)*

[A.B.] *(design and state address)*, Applicant

**Order sought from the court**

The applicant applies to the court to grant warrant to him:

1. to enter the premises at *(insert address of premises to which entry is sought)*.
2. to take with him any other person he may authorise and, if he has reasonable cause to expect any serious obstruction in obtaining access, a constable.
3. to take with him any equipment or materials required for any purpose for which the power of entry is being exercised.
4. to direct that those premises (or any part of them) are, or any thing in or on them is, to be left undisturbed (whether generally or in particular respects) for so long as he considers appropriate.
5. to exercise any of the powers conferred by sections 23, 24 and 25 of the Public Health etc. (Scotland) Act 2008 ("the Act").

**Statement**

*\*Delete as appropriate*

1. This application is made pursuant to section 27 of the Act.
2. The applicant is an investigator duly appointed in terms of section 21(2) of the Act to carry out a public health investigation.
3. The said premises are\*/are not\* a dwellinghouse.
4. The said premises are within the jurisdiction of this court.
5. The applicant considers it necessary for the purpose of, or in connection with, a public health investigation to exercise the powers of entry available to him under section 22 of the Act, the other investigatory powers mentioned in section 23 of the Act, the power to ask questions mentioned in section 24 of the Act and any supplementary power mentioned in section 25 of the Act *(insert here a brief statement of reasons)*.

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\*6. [If the said premises are a dwellinghouse] The applicant has in terms of section 26(2) of the Act given 48 hours notice of the proposed entry to a person who appears to be the occupier of the dwellinghouse and the period of notice has expired.

\*7. The applicant is an investigator entitled to enter premises under section 22 of the Act and

\*the applicant has been refused entry to the said premises, or

\*the applicant reasonably anticipates that entry will be refused

**OR**

\*7. The said premises are premises which the applicant is entitled to enter and they are unoccupied.

**OR**

\*7. The said premises are premises which the applicant is entitled to enter and the occupier thereof is temporarily absent and there is urgency because (*here state briefly why there is urgency*).

**OR**

\*7. The applicant is an investigator entitled to exercise a power under section 23 or 24 of the Act and

\*has been prevented from exercising that power, or

\*reasonably anticipates being prevented from exercising that power.

**OR**

\*7 An application for admission to the said premises would defeat the object of the public health investigation.

8. In the circumstances narrated the applicant is entitled to the warrant sought and it should be granted accordingly.

*(signed)*

[A.B.] Applicant  
or [X.Y.] (*add designation and business address*)

Solicitor for applicant

*(insert date)*

## Form 37

### Rule 3.39.2(2)

#### FORM OF WARRANT FOR A PUBLIC HEALTH INVESTIGATION

Sheriff Court .....

..... 20 .....

(Court Ref. No.)

*\*Delete as appropriate*

The sheriff, having considered an application made under section 27 of the Public Health etc. (Scotland) Act 2008 (“the Act”) *\*[and productions lodged therewith] \*[and (where the premises referred to below are a dwellinghouse) being satisfied that due notice has been given under section 26(2) of the Act and has expired],*

Grants warrant to the applicant (*insert name*) as sought and authorises him:

- (a) to enter the premises at (*insert address*),
- (b) on entering the premises referred to at paragraph (a), to take—
  - (i) any other person authorised by him and, if he has reasonable cause to expect any serious obstruction in obtaining access, a constable; and
  - (ii) any equipment or materials required for any purpose for which the power of entry is being exercised,
- (c) to direct that—
  - (i) those premises (or any part of them) are; or
  - (ii) any thing in or on those premises is,

to be left undisturbed (whether generally or in particular respects) for so long as he considers appropriate.

- (d) to exercise any power mentioned in sections 23 to 25 of the Act.

(*signed*)

Sheriff

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## Form 38

### Rule 3.39.3(1)

#### FORM OF APPLICATION FOR MEDICAL EXAMINATION OF A PERSON UNDER SECTION 34 OF THE PUBLIC HEALTH ETC. (SCOTLAND) ACT 2008

SHERIFFDOM OF *(insert name of sheriffdom)*

AT *(insert place of sheriff court)*

[A.B.] *(design health board)*, Applicant

#### Order sought from the court

*\*Delete as appropriate*

The applicant applies to the court to grant an order under section 34(1) of the Public Health etc. (Scotland) Act 2008 (“the Act”) authorising the medical examination of *(insert name, address and date of birth of person to be medically examined)* (“the person”).

*\*And (if necessary, request any specialities in connection with the examination, about which the court’s additional authority is sought pursuant to section 34(3) of the Act).*

#### Statement

*\*Delete as appropriate*

1. This application is made pursuant to sections 33 and 34 of the Act.
2. The person is present within the applicant’s area. The applicant is a health board operating within the jurisdiction of this court. This court accordingly has jurisdiction.
3. *\*The person is aged 16 years or over.*

#### OR

*\*The person is under 16. The parent or other person who has day-to-day care or control of the person is *(insert name, address and relationship to the person)*.*

4. (a) The applicant *\*knows/\*suspects* that the person—
  - \*(i)* has an infectious disease, namely *[insert name of disease]*;
  - \*(ii)* has been exposed to an organism which causes an infectious disease *[insert name of disease]*;
  - \*(iii)* is contaminated; or
  - \*(iv)* has been exposed to a contaminant,

*(insert here a brief statement indicating the basis upon which these matters are known or suspected by the applicant)*

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AND

- (b) It appears to the applicant 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.

*(Insert here a brief statement indicating the reason why the applicant considers that there is or may be a significant risk to public health and that it is necessary, to avoid or minimise that risk, for the person to be medically examined).*

- 5. The applicant proposes that the examination be carried out by *(insert proposed class or classes of health care professional)*.
- 6. The applicant proposes that the examination be *(insert nature of the proposed examination)*.
- \*7. The applicant has explained to the person—
  - (a) that there is a significant risk to public health;
  - (b) the nature of that risk; and
  - (c) why the applicant considers it necessary for the proposed action to be taken in relation to that person.

OR

- \*7. The applicant states that the person is incapable of understanding any explanation of the matters referred to at section 31(3) of the Act *(state reason)* and has explained to *(insert name and address of a person mentioned in section 31(5)(a) or (b) of the Act and their relationship to the person)*—
  - (a) that there is a significant risk to public health;
  - (b) the nature of that risk; and
  - (c) why the applicant considers it necessary for the proposed action to be taken in relation to that person.

OR

- \*7. The applicant states that no explanation has been given in relation to this application under section 31(3) or (5) of the Act because *(state why it was not reasonably practicable to do so)*.
- \*8. The applicant states that *\*a response was made/\*representations were made* on behalf of the person in the following terms *(insert response or representations made)*.

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9. The applicant attaches to this application a certificate signed by a health board competent person which indicates that the competent person is satisfied as to the matters mentioned in statement 4 [*\*and (in a case where medical examination of a group is sought) that it is necessary, to avoid or minimise an actual or anticipated significant risk to public health, for all the persons in the group to be medically examined*].
10. In the circumstances narrated the applicant is entitled to the order sought and it should be granted accordingly.

*(signed)*

[X.Y.] *(add designation and business address)*

Solicitor for applicant

*(insert date)*

## Form 39

### Rule 3.39.3(3)

#### FORM OF ORDER FOR A MEDICAL EXAMINATION

Sheriff Court .....

..... 20 ..... at [insert time]

(Court Ref. No.)

The sheriff, having considered an application made under section 33(2) of the Public Health etc. (Scotland) Act 2008 ("the Act") \*[and productions lodged therewith], and being satisfied as necessary as to the matters mentioned in section 34(2) of the Act,

1. Makes an order in terms of section 34(1) of the Act authorising the medical examination of *(insert details of the person as given in the application)* and authorises *(insert the class or classes of health care professional by whom the medical examination is to be carried out)* to carry out the examination,

*\*And (add any additional matters to be dealt with in the order in terms of section 34(3) of the Act).*

2. Directs notification of this order *(insert details of method and timing of notice)* to *(the person to whom the order applies)*

*\*and (the name and designation of any person to whom an explanation was given under section 31(5) of the Act)*

*\*and (insert the name and designation of any other person whom the sheriff considers appropriate).*

*\*Delete as appropriate*

*(signed)*

Sheriff

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## Form 40

### Rule 3.39.4(1)

#### FORM OF APPLICATION FOR QUARANTINE ORDER UNDER SECTION 40 OF THE PUBLIC HEALTH ETC. (SCOTLAND) ACT 2008

SHERIFFDOM OF *(insert name of sheriffdom)*

AT *(insert place of sheriff court)*

[A.B.] *(design health board)*, Applicant

#### Order sought from the court

*\*Delete as appropriate*

The applicant applies to the court for a quarantine order under section 40(1) of the Public Health etc. (Scotland) Act 2008 ("the Act") authorising the quarantining of *(insert name, address and date of birth of person to be quarantined)* ("the person") for a period of *(insert period)*.

*\*and the person's removal to (insert place of quarantine) [by (insert, if sought, the name and designation of a person mentioned in section 40(4)(d) of the Act)].*

*\*authorising the taking in relation to the person of the following steps, namely \*disinfection/\*disinfestation/\*decontamination (specify which steps are sought)*

*\*and imposing the following conditions in relation to the quarantine (insert conditions sought).*

#### Statement

*\*Delete as appropriate*

1. This application is made pursuant to sections 39 and 40 of the Act.
2. The person is present within the applicant's area. The applicant is a health board operating within the jurisdiction of this court. This court accordingly has jurisdiction.
3. *\*The person is aged 16 years or over.*

#### OR

*\*The person is under 16. The parent or other person who has day-to-day care or control of the person is (insert name, address and relationship to the person).*

4. (a) The applicant *\*knows/\*has reasonable grounds to suspect that the person—*
  - \*(i) has an infectious disease, namely [insert name of disease];*
  - \*(ii) has been exposed to an organism which causes an infectious disease [insert name of disease];*
  - \*(iii) is contaminated; or*

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\*(iv) has been exposed to a contaminant,

*(insert here a brief statement indicating the basis upon which these matters are known or suspected by the applicant)*

AND

(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 quarantined.

*(Insert here a brief statement indicating the reason why the applicant considers that there is or may be a significant risk to public health and that it is necessary, to avoid or minimise that risk, for the person to be quarantined).*

5. The applicant proposes that the person be quarantined at *(insert place and address)* \*[and that he should be removed there by *(insert name and designation of person under section 40(4)(d) of the Act)*]. *(Indicate briefly why this is proposed).*

6. The applicant proposes that the person be quarantined for *(insert period of time)*.

7. The applicant considers it necessary to \*disinfect/\*disinfest/\*decontaminate the person *(insert details and reasons)*.

\*8. The applicant considers the conditions sought to be included in the order to be necessary because *(insert reasons)*.

\*9. The applicant has explained to the person—

(a) that there is a significant risk to public health;

(b) the nature of that risk; and

(c) why the applicant considers it necessary for the proposed action to be taken in relation to that person.

OR

\*9. The applicant states that the person is incapable of understanding any explanation of the matters referred to at section 31(3) of the Act *(state reason)* and has explained to *(insert name and address of a person mentioned in section 31(5)(a) or (b) of the Act and their relationship to the person)*—

(a) that there is a significant risk to public health;

(b) the nature of that risk; and

(c) why the applicant considers it necessary for the proposed action to be taken in relation to that person.

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**OR**

- \*9** The applicant states that no explanation has been given in relation to this application under section 31(3) or (5) of the Act because *(state why it was not reasonably practicable to do so)*.
- \*10.** The applicant states that *\*a response was made/\*representations were made* on behalf of the person in the following terms *(insert response or representations made)*.
- 11.** The applicant attaches to this application a certificate signed by a health board competent person which indicates that the competent person is satisfied as to the matters mentioned in statement 4.
- 12.** In the circumstances narrated the applicant is entitled to the order sought and it should be granted accordingly.

*(signed)*

[X.Y.] *(add designation and business address)*

Solicitor for applicant

*(insert date)*

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## Form 41

### Rule 3.39.4(3)

#### FORM OF QUARANTINE ORDER

Sheriff Court .....

..... 20 ..... at *(insert time)*

(Court Ref. No.)

The sheriff, having considered an application made under section 39(2) of the Public Health etc. (Scotland) Act 2008 ("the Act") \*[and productions lodged therewith], and being satisfied as necessary as to the matters mentioned in section 40(2) of the Act,

1. Makes an order in terms of section 40(1) of the Act authorising the quarantining of *(insert details of the person as given in the application)* in *(insert the place in which the person is to be quarantined)* for a period of *(insert the period for which the person is to be quarantined)* and

Authorising the removal of *(insert name of the person)* to *(insert address at which the person is to be quarantined)*

Further *(insert any authorisation for disinfection/disinfestation/decontamination),*

*(Insert any conditions imposed by the order including the name and designation of any person authorised under section 40(4)(d) of the Act to effect a removal), and*

2. Directs notification of this order *(insert details of method and timing of notice)* to *(the person to whom the order applies)*

*\*and (the name and designation of any person to whom an explanation was given under section 31(5) of the Act)*

*\*and (insert the name and designation of any other person whom the sheriff considers appropriate).*

*\*Delete as appropriate*

*(signed)*

Sheriff

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## Form 42

### Rule 3.39.5(1)

#### FORM OF APPLICATION TO HAVE A PERSON REMOVED TO AND DETAINED IN HOSPITAL UNDER SECTION 42 OF THE PUBLIC HEALTH ETC. (SCOTLAND) ACT 2008

SHERIFFDOM OF *(insert name of sheriffdom)*

AT *(insert place of sheriff court)*

[A.B.] *(design health board)*, Applicant

#### Order sought from the court

*\*Delete as appropriate*

The applicant applies to the court for a short term detention order under section 42(1) of the Public Health etc. (Scotland) Act 2008 ("the Act") in respect of *(insert name, address and date of birth of person to be subject to the order)* ("the person").

1. authorising the person's removal to hospital *\*[by (insert name and designation of a person mentioned in section 42(1)(a) of the Act)]* and the person's detention in hospital for the period of *(insert period)*, and
2. authorising the taking in relation to the person of the following steps, namely *\*disinfection/ \*disinfestation/\*decontamination (specify which steps are sought)*.

#### Statement

*\*Delete as appropriate*

1. This application is made pursuant to sections 41 and 42 of the Act.
2. The person is present within the applicant's area. The applicant is a health board operating within the jurisdiction of this court. This court accordingly has jurisdiction.
3. *\*The person is aged 16 years or over.*

#### OR

*\*The person is under 16. The parent or other person who has day-to-day care or control of the person is (insert name, address and relationship to the person).*

4. (a) The applicant knows that the person—
  - \*(i) has an infectious disease, namely [insert name of disease]; or*
  - \*(ii) is contaminated,*

*(insert here a brief statement indicating the basis upon which these matters are known to the applicant)*

#### AND

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- (b) it appears to the applicant 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

*(Insert here a brief statement indicating the reason why the applicant considers that there is a significant risk to public health and that it is necessary, to avoid or minimise that risk, for the person to be detained in hospital).*

- 5. The applicant proposes that the person be detained at *(insert name and address of hospital)* \*[and that he should be removed there by *(insert name and designation of person under section 42(1)(a) of the Act and indicate briefly why this is proposed)*].
- 6. The applicant proposes that the person be detained for *(insert period of time)*.
- 7. The applicant considers it necessary to \*disinfect/\*disinfest/\*decontaminate the person *(insert details and reasons)*.
- \*8. The applicant has explained to the person—
  - (a) that there is a significant risk to public health;
  - (b) the nature of that risk; and
  - (c) why the applicant considers it necessary for the proposed action to be taken in relation to that person.

**OR**

- \*8. The applicant states that the person is incapable of understanding any explanation of the matters referred to at section 31(3) of the Act *(state reason)* and has explained to *(insert name and address of a person mentioned in section 31(5)(a) or (b) of the Act and their relationship to the person)*—
  - (a) that there is a significant risk to public health;
  - (b) the nature of that risk; and
  - (c) why the applicant considers it necessary for the proposed action to be taken in relation to that person.

**OR**

- \*8. The applicant states that no explanation has been given in relation to this application under section 31(3) or (5) of the Act because *(state why it was not reasonably practicable to do so)*.
- \*9. The applicant states that \*a response was made/\*representations were made on behalf of the person in the following terms *(insert response or representations made)*.

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10. The applicant attaches to this application a certificate signed by a health board competent person which indicates that the competent person is satisfied as to the matters mentioned in statement 4.
11. In the circumstances narrated the applicant is entitled to the order sought and it should be granted accordingly.

*(signed)*

Solicitor for applicant

[X.Y.] *(add designation and business address)*

*(insert date)*

## Form 43

### Rule 3.39.5(4)

#### FORM OF SHORT TERM DETENTION ORDER – REMOVAL TO AND DETENTION IN HOSPITAL

Sheriff Court .....

..... 20 ..... at *(insert time)*

(Court Ref. No.)

The sheriff, having considered an application made under section 41(2) of the Public Health etc. (Scotland) Act 2008 (“the Act”) \*[and productions lodged therewith], and being satisfied as necessary as to the matters mentioned in section 42(2) of the Act,

1. Makes an order in terms of section 42(1) of the Act authorising the short term detention in hospital of *(insert details of the person as given in the application)*,

*Authorising the removal of that person by (specify person authorised to carry out removal in terms of section 42(1)(a) of the Act) to (specify hospital at which the person is to be detained, including the address), there to be detained for (insert period of detention)*

*Further (insert any authorisation for disinfection/disinfestation/decontamination), and*

2. Directs notification of this order *(insert details of method and timing of notice)* to *(the person to whom the order applies)*

*\*and (the name and designation of any person to whom an explanation was given under section 31(5) of the Act)*

*\*and (insert the name and designation of any other person whom the sheriff considers appropriate).*

*\*Delete as appropriate*

*(signed)*

Sheriff

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## Form 44

### Rule 3.39.5(2)

#### FORM OF APPLICATION FOR A SHORT TERM DETENTION ORDER UNDER SECTION 43 OF THE PUBLIC HEALTH ETC. (SCOTLAND) ACT 2008

SHERIFFDOM OF *(insert name of sheriffdom)*

AT *(insert place of sheriff court)*

[A.B.] *(design health board)*, Applicant

#### Order sought from the court

*\*Delete as appropriate*

The applicant applies to the court for a short term detention order under section 43(1) of the Public Health etc. (Scotland) Act 2008 (“the Act”) in respect of *(insert name, address and date of birth of person to be subject to the order)* (“the person”).

1. authorising the person’s detention in hospital for a period of *(insert period)*, and
2. authorising the taking in relation to the person of the following steps, namely *\*disinfection/ \*disinfestation/ \*decontamination (specify which steps are sought)*.

#### Statement

*\*Delete as appropriate*

1. This application is made pursuant to sections 41 and 43 of the Act.
2. The person is present within the applicant’s area. The applicant is a health board operating within the jurisdiction of this court. This court accordingly has jurisdiction.
3. *\*The person is aged 16 years or over.*

#### OR

*\*The person is under 16. The parent or other person who has day-to-day care or control of the person is (insert name, address and relationship to the person).*

4. (a) The applicant knows that the person—
  - \*(i) has an infectious disease, namely [insert name of disease]; or*
  - \*(ii) is contaminated,*

*(insert here a brief statement indicating the basis upon which these matters are known to the applicant)*

#### AND

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- (b) it appears to the applicant 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.

*(Insert here a brief statement indicating the reason why the applicant considers that there is a significant risk to public health and that it is necessary, to avoid or minimise that risk, for the person to be detained in hospital).*

- 5. The person is currently in *(insert name and address of hospital)*. The applicant proposes that the person be detained at *(insert name and address of hospital)*.
- 6. The applicant proposes that the person be detained for *(insert period of time)*.
- 7. The applicant considers it necessary to \*disinfect/\*disinfest/\*decontaminate the person *(insert details and reasons)*.
- \*8. The applicant has explained to the person—
  - (a) that there is a significant risk to public health;
  - (b) the nature of that risk; and
  - (c) why the applicant considers it necessary for the proposed action to be taken in relation to that person.

**OR**

- \*8. The applicant states that the person is incapable of understanding any explanation of the matters referred to at section 31(3) of the Act *(state reason)* and has explained to *(insert name and address of a person mentioned in section 31(5)(a) or (b) of the Act and their relationship to the person)*—
  - (a) that there is a significant risk to public health;
  - (b) the nature of that risk; and
  - (c) why the applicant considers it necessary for the proposed action to be taken in relation to that person.

**OR**

- \*8. The applicant states that no explanation has been given in relation to this application under section 31(3) or (5) of the Act because *(state why it was not reasonably practicable to do so)*.
- \*9. The applicant states that \*a response was made/\*representations were made on behalf of the person in the following terms *(insert response or representations made)*.

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10. The applicant attaches to this application a certificate signed by a health board competent person which indicates that the competent person is satisfied as to the matters mentioned in statement 4.
11. In the circumstances narrated the applicant is entitled to the order sought and it should be granted accordingly.

*(signed)*

[X.Y.] *(add designation and business address)*

Solicitor for applicant

*(insert date)*

## Form 45

### Rule 3.39.5(5)

#### FORM OF SHORT TERM DETENTION ORDER – DETENTION IN HOSPITAL

Sheriff Court .....

..... 20 ..... at *(insert time)*

(Court Ref. No.)

The sheriff, having considered an application made under section 41(2) of the Public Health etc. (Scotland) Act 2008 (“the Act”) \*[and productions lodged therewith], and being satisfied as necessary as to the matters mentioned in section 43(2) of the Act,

1. Makes an order in terms of section 43(1) of the Act authorising the short term detention in hospital of *(insert details of the person as given in the application)* at *(insert name and address of hospital)* for *(insert period of detention)*

Further *(insert any authorisation for disinfection/disinfestation/decontamination)*, and

2. Directs notification of this order *(insert details of method and timing of notice)* to *(the person to whom the order applies)*

\*and *(the name and designation of any person to whom an explanation was given under section 31(5) of the Act)*

\*and *(insert the name and designation of any other person whom the sheriff considers appropriate)*.

*\*Delete as appropriate*

*(signed)*

Sheriff

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## Form 46

### Rule 3.39.6(1)

#### FORM OF APPLICATION FOR EXCEPTIONAL DETENTION ORDER UNDER SECTION 45 OF THE PUBLIC HEALTH ETC. (SCOTLAND) ACT 2008

SHERIFFDOM OF *(insert name of sheriffdom)*

AT *(insert place of sheriff court)*

[A.B.] *(design health board)*, Applicant

#### Order sought from the court

*\*Delete as appropriate*

The applicant applies to the court for an exceptional detention order under section 45(1) of the Public Health etc. (Scotland) Act 2008 (“the Act”) in respect of *(insert name, address and date of birth of person to be subject to the order)* (“the person”).

1. authorising the person’s continued detention in hospital for a period of *(insert period)*, and
2. authorising the taking in relation to the person of the following steps, namely *\*disinfection/ \*disinfection/ \*decontamination (specify which steps are sought)*.

#### Statement

*\*Delete as appropriate*

1. This application is made pursuant to sections 44 and 45 of the Act.
2. The person is presently detained in a hospital within the applicant’s area by virtue of a short term detention order. The applicant is a health board operating within the jurisdiction of this court and applied for the short term detention order. This court accordingly has jurisdiction.
3. *\*The person is aged 16 years or over.*

#### OR

*\*The person is under 16. The parent or other person who has day-to-day care or control of the person is (insert name, address and relationship to the person).*

4. The applicant is satisfied—
  - (a) that the person—
    - \*(i)* has an infectious disease, namely *[insert name of disease]*; or
    - \*(ii)* is contaminated,

#### AND

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- (b) that as a result there is a significant risk to public health,

*(insert here a brief statement indicating the basis upon which the applicant is satisfied of these matters)*

**AND**

- (c) that it continues to be necessary, to avoid or minimise that risk, for the person to be detained in hospital *(insert here a brief statement indicating the reason why the applicant considers it necessary for the person to be detained in hospital),*

**AND**

- (d) that it is necessary, to avoid or minimise that risk, for the person to be detained for a period exceeding the maximum period for which the person could be detained by virtue of the short term detention order were that order to be extended under section 49(5)(a) of the Act *(insert here a brief statement indicating the reason why the applicant considers it necessary for the person to be detained beyond that maximum period).*

5. The person is currently detained in *(insert name and address of hospital)* by virtue of a short term detention order granted on *(insert date)*. The said order is extant until *[insert date]*. The applicant proposes that the person be detained at *(insert name and address of hospital)*.

6. The applicant applies to the court to order that the person continue to be detained in *(insert name and address of hospital)* for *(insert period of time)* from *(insert date from which the order is to commence)*.

7. The applicant considers it necessary to *\*disinfect/\*disinfest/\*decontaminate* the person *(insert details and reasons)*.

- \*8.** The applicant has explained to the person—

- (a) that there is a significant risk to public health;
- (b) the nature of that risk; and
- (c) why the applicant considers it necessary for the proposed action to be taken in relation to that person.

**OR**

- \*8.** The applicant states that the person is incapable of understanding any explanation of the matters referred to at section 31(3) of the Act *(state reason)* and has explained to *(insert name and address of a person mentioned in section 31(5)(a) or (b) of the Act and their relationship to the person)*—

- (a) that there is a significant risk to public health;
- (b) the nature of that risk; and
- (c) why the applicant considers it necessary for the proposed action to be taken in relation to that person.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**OR**

- \*8.** The applicant states that no explanation has been given in relation to this application under section 31(3) or (5) of the Act because *(state why it was not reasonably practicable to do so)*.
- \*9.** The applicant states that *\*a response was made/\*representations were made* on behalf of the person in the following terms *(insert response or representations made)*.
- 10.** The applicant attaches to this application a certificate signed by a health board competent person which indicates that the competent person is satisfied as to the matters mentioned in statement 4.
- 11.** In the circumstances narrated the applicant is entitled to the order sought and it should be granted accordingly.

*(signed)*

[X.Y.] *(add designation and business address)*

Solicitor for applicant

*(insert date)*

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## Form 47

### Rule 3.39.6(3)

#### FORM OF EXCEPTIONAL DETENTION ORDER

Sheriff Court .....

..... 20 ..... at (*insert time*)

(Court Ref. No.)

The sheriff, having considered an application made under section 44(3) of the Public Health etc. (Scotland) Act 2008 (“the Act”) \*[and productions lodged therewith], and being satisfied as to the matters mentioned in section 45(2) of the Act,

1. Makes an exceptional detention order in terms of section 45(1) of the Act authorising the continued detention of (*insert details of the person as given in the application*) at (*insert name and address of hospital*) for (*insert period of detention*).

Further (*insert any authorisation for disinfection/disinfestation/decontamination*), and

2. Directs notification of this order (*insert details of method and timing of notice*) to (*the person to whom the order applies*)

\*and (*the name and designation of any person to whom an explanation was given under section 31(5) of the Act*)

\*and (*insert the name and designation of any other person whom the sheriff considers appropriate*).

*\*Delete as appropriate*

(*signed*)

Sheriff

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## Form 48

### Rule 3.39.7(1)

#### FORM OF APPLICATION FOR EXTENSION OF A QUARANTINE ORDER, SHORT TERM DETENTION ORDER OR EXCEPTIONAL DETENTION ORDER UNDER SECTION 49 OF THE PUBLIC HEALTH ETC. (SCOTLAND) ACT 2008

SHERIFFDOM OF *(insert name of sheriffdom)*

AT *(insert place of sheriff court)*

[A.B.] *(design health board)*, Applicant

#### Order sought from the court

*\*Delete as appropriate*

The applicant applies to the court to extend for a period of *(insert period)*:

*\*the quarantine order granted on (insert date) in respect of (insert name, address and date of birth of the person in respect of whom the order was granted) ("the person") OR*

*\*the short term detention order granted on (insert date) in respect of (insert name, address and date of birth of the person) ("the person") OR*

*\*the exceptional detention order granted on (insert date) in respect of (insert name, address and date of birth of the person) ("the person").*

#### Statement

*\*Delete as appropriate*

1. This application is made pursuant to section 49 of the Public Health etc. (Scotland) Act 2008.
2. The person is presently *\*quarantined/\*detained* in hospital within the applicant's area by virtue of *\*a quarantine order/\*a short term detention order/\*an exceptional detention order granted on (insert date) which expires on (insert date)*. This court accordingly has jurisdiction.
3. *\*The person is aged 16 years or over.*

#### OR

*\*The person is under 16. The parent or other person who has day-to-day care or control of the person is (insert name, address and relationship to the person).*

4. The applicant attaches to this application a certificate signed by a health board competent person which indicates that the competent person is satisfied as to the following matters:

*\*[in relation to a proposed extension of a quarantine order] That it is known, or there are reasonable grounds to suspect, that the person—*

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- \***(i)** has an infectious disease;
- \***(ii)** has been exposed to an organism which causes an infectious disease;
- \***(iii)** is contaminated; or
- \***(iv)** has been exposed to a contaminant,

**AND** that as a result there is or may be significant risk to public health,

**AND** that it is necessary, to avoid or minimise that risk, for the person to continue to be quarantined.

**OR**

*\*[in relation to a proposed extension of a short term detention order or an exceptional detention order]* That the person—

- \***(i)** has an infectious disease; or
- \***(ii)** is contaminated,

**AND** that as a result there is significant risk to public health,

**AND** that it is necessary, to avoid or minimise that risk, for the person to continue to be detained in hospital.

**5.** The court is asked to extend the order for a period of *(insert period)* from *(insert date from which the order is to commence)*.

\***6.** An extension of the quarantine order, as sought, will not result in the person being quarantined for a continuous period exceeding 12 weeks.

**OR**

\***6** An extension of the short term detention order, as sought, will not result in the person being detained in hospital for a continuous period exceeding 12 weeks.

**OR**

\***6** An extension of the exceptional detention order, as sought, will not result in the person being detained in hospital for a continuous period exceeding 12 months.

**7.** In the circumstances narrated the applicant is entitled to the order sought and it should be granted accordingly.

*(signed)*

[X.Y.] *(add designation and business address)*

Solicitor for applicant

*(insert date)*

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

### Form 49

**Rule 3.39.7(3)**

**FORM OF ORDER EXTENDING A QUARANTINE ORDER, SHORT TERM DETENTION ORDER OR EXCEPTIONAL DETENTION ORDER**

Sheriff Court .....

..... 20 ..... at *(insert time)*

(Court Ref. No.)

The sheriff, having considered an application made under section 49(2) of the Public Health etc. (Scotland) Act 2008 (“the Act”) and productions lodged therewith, and being satisfied as to the matters mentioned in section 49(6) of the Act,

- 1. Makes an order in terms of section 49(5) of the Act extending *\*the quarantine order/\*the short term detention order/\*the exceptional detention order* which was granted in respect of *(insert details of the person as given in the application)* on *(insert date)* for a period of *(insert period)* and
- 2. Directs notification of this order *(insert details of method and timing of notice)* to *(the person to whom the order applies)*

*\*and (the name and designation of any person to whom an explanation was given under section 31(5) of the Act)*

*\*and (insert the name and designation of any other person whom the sheriff considers appropriate).*

*\*Delete as appropriate*

*(signed)*

Sheriff

## Form 50

### Rule 3.39.8(1)

#### FORM OF APPLICATION FOR MODIFICATION OF A QUARANTINE ORDER, SHORT TERM DETENTION ORDER OR EXCEPTIONAL DETENTION ORDER UNDER SECTION 51 OF THE PUBLIC HEALTH ETC. (SCOTLAND) ACT 2008

SHERIFFDOM OF *(insert name of sheriffdom)*

AT *(insert place of sheriff court)*

[A.B.] *(design health board)*, Applicant

#### Order sought from the court

*\*Delete as appropriate*

The applicant applies to the court to modify:

*\*the quarantine order granted on (insert date) in respect of (insert name, address and date of birth of the person in respect of whom the order was granted) ("the person") OR*

*\*the short term detention order granted on (insert date) in respect of (insert name, address and date of birth of the person) ("the person") OR*

*\*the exceptional detention order granted on (insert date) in respect of (insert name, address and date of birth of the person) ("the person")*

by *(specify details of the modification sought)*.

#### Statement

*\*Delete as appropriate*

1. This application is made pursuant to sections 50 and 51 of the Public Health etc. (Scotland) Act 2008.
2. The person is presently *\*quarantined/\*detained* in hospital within the applicant's area by virtue of *\*a quarantine order/\*a short term detention order/\*an exceptional detention order* granted on *(insert date)* which expires on *(insert date)*. This court accordingly has jurisdiction.
3. *\*The person is aged 16 years or over.*

#### OR

*\*The person is under 16. The parent or other person who has day-to-day care or control of the person is (insert name, address and relationship to the person).*

4. The applicant attaches to this application a certificate signed by a health board competent person which indicates that the competent person is satisfied as to the following matters:

*\*[in relation to a proposed modification of a quarantine order] That it is known, or there are reasonable grounds to suspect, that the person—*

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- \***(i)** has an infectious disease;
- \***(ii)** has been exposed to an organism which causes an infectious disease;
- \***(iii)** is contaminated; or
- \***(iv)** has been exposed to a contaminant,

**AND** that as a result there is or may be significant risk to public health,

**AND** that it is necessary, to avoid or minimise that risk, for the person to continue to be quarantined.

**OR**

*\*[in relation to a proposed modification of a short term detention order or an exceptional detention order] That the person—*

- \***(i)** has an infectious disease; or
- \***(ii)** is contaminated,

**AND** that as a result there is significant risk to public health

**AND** that it is necessary, to avoid or minimise that risk, for the person to continue to be detained in hospital.

5. The modification is sought for the following reasons (*here insert a brief statement of reasons*).
6. In the circumstances narrated the applicant is entitled to the order sought and it should be granted accordingly.

*(signed)*

[X.Y.] (*add designation and business address*)

Solicitor for applicant

*(insert date)*

## Form 51

### Rule 3.39.8(3)

#### FORM OF MODIFICATION OF A QUARANTINE ORDER, SHORT TERM DETENTION ORDER OR EXCEPTIONAL DETENTION ORDER

Sheriff Court .....

..... 20 ..... at [insert time]

(Court Ref. No.)

The sheriff, having considered an application made under section 50(2) of the Public Health etc. (Scotland) Act 2008 (“the Act”) \*[and productions lodged therewith], and being satisfied as to the matters mentioned in section 51(2) of the Act,

1. Makes an order in terms of section 51(1) of the Act modifying \*the quarantine order/\*the short term detention order/\*the exceptional detention order which was granted in respect of (insert details of the person as given in the application) on (insert date), by

(insert details of modification and, if applicable, name and designation of person considered appropriate under section 51(4)(a)(iv) of the Act).

2. Directs notification of this order (insert details of method and timing of notice) to (the person to whom the order applies)

\*and (the name and designation of any person to whom an explanation was given under section 31(5) of the Act)

\*and (insert the name and designation of any other person whom the sheriff considers appropriate).

*\*Delete as appropriate*

(signed)

Sheriff

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## Form 52

### Rule 3.39.9(1)

<b>Official use only</b>  Court ref:  Date and time of receipt:
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### FORM OF APPLICATION FOR RECALL OF AN ORDER GRANTED IN THE ABSENCE OF THE PERSON TO WHOM IT APPLIES UNDER SECTION 59 OF THE PUBLIC HEALTH ETC. (SCOTLAND) ACT 2008

#### NOTES

This form should be used if you wish to apply to the sheriff for an order recalling a quarantine order OR a short term detention order OR an exceptional detention order which was made in the absence of the person to whom the order applies.

If you are the person to whom the order applies, you or your solicitor should complete and sign **PART A** and deliver it to the sheriff clerk of the sheriff court at which you wish to make your application.

If you are not the person to whom the order applies but instead are a person who has an interest in the welfare of the person to whom the order applies, you or your solicitor should complete and sign **PART B** and deliver it to the sheriff clerk of the sheriff court at which you wish to make your application.

Your application **MUST** be received by the sheriff clerk before the expiry of the period of 72 hours beginning with the time at which the order which you wish to be recalled was notified to you (or, as the case may be, the person to whom the order applies).

You should note that, despite the making of your application, the order which you wish recalled will **REMAIN IN FORCE** unless and until it is revoked by the sheriff.

Before determining your application the sheriff must give you and various other parties (who are specified in section 59(7) of the Act) the opportunity of making representations (whether orally or in writing) and of leading, or producing, evidence.

**IF YOU ARE UNCERTAIN WHAT ACTION TO TAKE** you should consult a solicitor. You may be entitled to legal aid depending on your financial circumstances, and you can get information about legal aid from a solicitor. You may also obtain advice from any Citizens Advice Bureau or other advice agency.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**PART A**

Sheriff Court  
(Insert name of court)

1.

Details of applicant  
(Insert full name, address and telephone number and, if available, e-mail address and fax number)

2.

Type of order you wish the sheriff to recall  
(Tick as appropriate)

3. Quarantine Order   
Short Term Detention Order   
Exceptional Detention Order

Date of order  
(Insert date of order you wish the sheriff to recall)

4.

Sheriff Court at which the order was made, if it was not the court specified in box 1  
(Insert name of court)

5.

If available, a copy of the order which you wish the sheriff to recall should be attached to this application.

Date and time at which the order was notified to you  
(Insert date and exact time of day)

6.

I ask the sheriff to recall the order specified in boxes 3 and 4 on the following grounds:

(State why you wish the order to be recalled. If necessary, continue on a separate sheet of paper):

Signed:

Date:

(A solicitor should add his or her name and contact details)

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**PART B**

Sheriff Court  
(Insert name of court)

1.

Details of applicant  
(Insert full name, address and telephone number and, if available, e-mail address and fax number)

2.

Type of order you wish the sheriff to recall  
(Tick the appropriate box)

3. Quarantine Order   
Short Term Detention Order   
Exceptional Detention Order

Date of order  
(Insert date of order you wish the sheriff to recall)

4.

Sheriff Court at which the order was made, if it was not the court specified in box 1  
(Insert name of court)

5.

Details of person to whom the order applies  
(Insert name, address and telephone number and, if available, e-mail address and fax number)

6.

If available, a copy of the order which you wish the sheriff to recall should be attached to this application.

Date and time at which the order was notified to the person named in box 6  
(Insert date and exact time of day)

7.

I have an interest in the welfare of the person named in box 6 for the following reasons:

(State why you have an interest in the welfare of this person. If necessary, continue on a separate sheet of paper):

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

I ask the sheriff to recall the order specified in boxes 3 and 4 on the following grounds:

*(State why you wish the order to be recalled. If necessary, continue on a separate sheet of paper):*

Signed:

Date:

(A solicitor should add his or her name and contact details)

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

### Form 53

**Rule 3.39.9(3)**

**FORM OF ORDER RECALLING A QUARANTINE ORDER, SHORT TERM  
DETENTION ORDER OR EXCEPTIONAL DETENTION ORDER**

Sheriff Court .....

..... 20 .....

(Court Ref. No.)

The sheriff, having considered an application made under section 59(2) of the Public Health etc. (Scotland) Act 2008 for recall of \*the quarantine order/\*the short term detention order/\*the exceptional detention order which was granted in respect of (*insert details of the person as given in the application*) on (*insert date*),

Refuses the application and Confirms the said order

OR

\*Grants the application and Revokes the said order,

And Directs notification of this order (*insert details of method and timing of notice*) to \*(*enter details of any other person whom the sheriff considers appropriate*).

*\*Delete as appropriate*

(*signed*)

Sheriff

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## Form 54

### Rule 3.39.12(1)

<b>Official use only</b>  Court ref:  Date and time of receipt:
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### FORM OF NOTE OF APPEAL UNDER SECTION 61 OF THE PUBLIC HEALTH ETC. (SCOTLAND) ACT 2008

#### NOTES

This form should be used if you wish to appeal to the sheriff under section 61 of the Public Health etc. (Scotland) Act 2008 in relation to an exclusion order OR a restriction order. A copy of the section is set out below.

If you are the person to whom the order applies, you or your solicitor should complete and sign **PART A** and deliver it to the sheriff clerk of the sheriff court at which you wish to appeal.

If you are not the person to whom the order applies but instead are a person who has an interest in the welfare of the person to whom the order applies, you or your solicitor should complete and sign **PART B** and deliver it to the sheriff clerk of the sheriff court at which you wish to appeal.

The form **MUST** be received by the sheriff clerk before the expiry of 14 days beginning with the day on which the order, modification or, as the case may be, decision against which you wish to appeal was made.

IF YOU ARE UNCERTAIN WHAT ACTION TO TAKE you should consult a solicitor. You may be entitled to legal aid depending on your financial circumstances, and you can get information about legal aid from a solicitor. You may also obtain advice from any Citizens Advice Bureau or other advice agency.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

**61 Appeal against exclusion orders and restriction orders**

- (1) This section applies where a person is subject to—
  - (a) an exclusion order; or
  - (b) a restriction order.
- (2) A person mentioned in subsection (3) may appeal to the sheriff against—
  - (a) the making of the order;
  - (b) any conditions imposed by the order;
  - (c) any modification of the order under section 48(2); or
  - (d) a decision of a health board competent person under section 52(4) or 53(3) not to revoke the order.
- (3) The person referred to in subsection (2) is—
  - (a) the person in relation to whom the order applies; or
  - (b) any person who has an interest in the welfare of such a person.
- (4) An appeal under this section must be made before the expiry of the period of 14 days beginning with the day on which the order, modification or, as the case may be, decision appealed against is made.
- (5) On an appeal under this section, the sheriff may—
  - (a) confirm the order appealed against;
  - (b) modify the order;
  - (c) revoke the order;
  - (d) confirm the decision appealed against;
  - (e) quash that decision;
  - (f) make such other order as the sheriff considers appropriate.
- (6) In subsection (5)(b), “modify” is to be construed in accordance with section 48.

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**PART A**

Sheriff Court  
(Insert name of court)

1.

Details of appellant  
(Insert full name, address and telephone number and, if available, e-mail address and fax number)

2.

Type of order  
(Tick as appropriate to indicate what type of order the appeal is about)

3. Exclusion Order   
Restriction Order

Date of order  
(Insert date of order indicated in box 3)

4.

Name and address of person who made the order  
(Insert name and address. You should find this on the order)

5.

If available, a copy of the order specified in boxes 3 and 4 should be attached to this application.

I appeal to the sheriff on the following grounds:

(State here with reasons  
(i) what it is about the order that you wish to appeal. You should specify at least one of the options given in section 61(2).  
(ii) what it is that you want the sheriff to do. You should specify one of the options given in section 61(5). If you choose the option given in section 61(5)(f) you should specify what order you wish the sheriff to make.  
If necessary, continue on a separate sheet of paper)

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Signed:

Date:

(A solicitor should add his or her name and contact details)

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**PART B**

Sheriff Court  
(Insert name of court)

1.

Details of appellant  
(Insert full name, address and telephone number and, if available, e-mail address and fax number)

2.

Type of order  
(Tick as appropriate to indicate what type of order the appeal is about)

3. Exclusion Order   
Restriction Order

Date of order  
(Insert date of order indicated in box 3)

4.

Name and address of person who made the order  
(Insert name and address. You should find this on the order)

5.

Details of person to whom the order applies  
(Insert full name, address and telephone number and, if available, e-mail address and fax number)

6.

If available, a copy of the order specified in boxes 3 and 4 should be attached to this application.

I have an interest in the welfare of the person named in box 6 for the following reasons:

(State why you have an interest in the welfare of this person. If necessary, continue on a separate sheet of paper):

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

I appeal to the sheriff on the following grounds:

*(State here with reasons*

*(i) what it is about the order that you wish to appeal. You should specify at least one of the options given in section 61(2).*

*(ii) what it is that you want the sheriff to do. You should specify one of the options given in section 61(5). If you choose the option given in section 61(5)(f) you should specify what order you wish the sheriff to make.*

*If necessary, continue on a separate sheet of paper)*

Signed:

Date:

(A solicitor should add his or her name and contact details)

## Form 55

### Rule 3.39.13(1)

#### FORM OF APPLICATION FOR WARRANT TO ENTER PREMISES AND TAKE STEPS UNDER SECTION 78 OF THE PUBLIC HEALTH ETC. (SCOTLAND) ACT 2008

SHERIFFDOM OF *(insert name of sheriffdom)*

AT *(insert place of sheriff court)*

[A.B.] *(design and state address)*, Applicant

#### Order sought from the court

The applicant applies to the court to grant warrant to *(insert name)*, an officer of the local authority

1. to enter the premises at *(insert address of premises to which entry is sought)*.
2. to take with him any other person he may authorise and, if he has reasonable cause to expect any serious obstruction in obtaining access, a constable.
3. to direct that those premises (or any part of them) are, or any thing in or on them is to be left undisturbed (whether generally or in particular respects) for so long as the officer considers appropriate.
4. to take any step mentioned in section 73(2) of the Public Health etc. (Scotland) Act 2008 ("the Act") or to remove any thing from the premises for the purpose of taking any such step at any other place.

#### Statement

*\*Delete as appropriate*

1. This application is made pursuant to section 78 of the Act.
2. The applicant is a local authority and the said officer is an authorised officer within the meaning given in section 73(8) of the Act.
3. The said premises *\*are/\*are not* a dwellinghouse within the meaning given in section 26 of the Act.
4. The said premises are within the jurisdiction of this court.
5. The applicant considers it necessary that the authorised officer should exercise the powers of entry and take the other steps mentioned in section 73(2) of the Act *(insert here a brief statement of reasons)*.
- \*6. The authorised officer  
*\*has been refused entry to the said premises, or*

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\*reasonably anticipates that entry will be refused.

**OR**

\*6 The said premises are premises which the authorised officer is entitled to enter and they are unoccupied.

**OR**

\*6 The said premises are premises which the authorised officer is entitled to enter and the occupier thereof is temporarily absent and there is urgency because (*here state briefly why there is urgency*).

**OR**

\*6 The authorised officer

\*has been prevented from taking any steps which he is entitled to take under Part 5 of the Act, or

\*reasonably anticipates being prevented from taking any steps that he is entitled to take under Part 5 of the Act.

\*7 [*If the said premises are a dwellinghouse*] The authorised officer has in terms of section 77(2) of the Act given 48 hours notice of the proposed entry to a person who appears to be the occupier of the dwellinghouse and the period of notice has expired.

8. In the circumstances narrated the applicant is entitled to the warrant sought and it should be granted accordingly.

(signed)

[X.Y.] (*add designation and business address*)

Solicitor for applicant

(insert date)

## Form 56

### Rule 3.39.13(2)

#### FORM OF WARRANT TO ENTER PREMISES AND TAKE STEPS UNDER PART 5 OF THE PUBLIC HEALTH ETC. (SCOTLAND) ACT 2008

Sheriff Court .....

..... 20 .....

(Court Ref. No.)

*\*Delete as appropriate*

The sheriff, having considered an application made under section 78 of the Public Health etc. (Scotland) Act 2008 ("the Act") *\*[and any productions lodged therewith], [\*and (where the premises referred to below are a dwellinghouse) being satisfied that due notice has been given under section 77(2) of the Act and has expired],*

Grants warrant authorising the authorised person, (*insert name*):

- (a) to enter the premises at (*insert address*)
- (b) on entering the premises referred to at paragraph (a), to take any other person authorised by him and, if he has reasonable cause to expect any serious obstruction in obtaining access, a constable; and
- (c) to direct that:
  - (i) those premises (or any part of them) are; or
  - (ii) any thing in or on those premises is,to be left undisturbed (whether generally or in particular respects) for so long as he considers appropriate;
- (d) to take any steps mentioned in section 73(2) of the Act; and
- (e) to remove any thing from the premises for the purpose of taking any such step at any other place.

(*signed*)

Sheriff

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

## Form 57

### Rule 3.39.14(1)

#### FORM OF APPLICATION FOR AN ORDER FOR DISPOSAL OF A BODY UNDER SECTION 93 OF THE PUBLIC HEALTH ETC. (SCOTLAND) ACT 2008

SHERIFFDOM OF *(insert name of sheriffdom)*

AT *(insert place of sheriff court)*

[A.B.] *(design local authority)*, Applicant

#### Order sought from the court

*\*Delete as appropriate*

*\*The applicant applies to the court to make an order authorising the applicant to remove the body of (insert name and date of birth of deceased person and address of premises in which the body is being retained) to a mortuary or other similar premises and to dispose of that body before the expiry of (insert period sought).*

#### OR

*\*The applicant applies to the court to make an order authorising the applicant to dispose of the body of (insert name and date of birth of deceased person and address of premises in which the body is being retained) as soon as reasonably practicable.*

#### Statement

*\*Delete as appropriate*

1. This application is made pursuant to section 93 of the Public Health etc. (Scotland) Act 2008.
2. The applicant's area falls within the jurisdiction of the court. The court accordingly has jurisdiction.
3. The body of the said *(insert details of deceased person)* is being retained in *(insert name and address of premises)*.
4. The applicant is a local authority in whose area the said premises are situated.
5. The applicant considers that the appropriate arrangements have not been made for the disposal of the said body.
6. The applicant is satisfied that as a result there is a significant risk to public health and it is necessary, to avoid or minimise that risk, for the body to be appropriately disposed of.
- \*7* The applicant considers that the risk to public health is such that it is necessary for the body to be disposed of immediately because *(insert here brief reasons why immediate disposal of the body is sought)*.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

8. The applicant attaches to this application a certificate signed by a local authority competent person which indicates that the competent person is satisfied as to the matters mentioned in statements 3, 4, 5 and 6.
9. In the circumstances narrated the applicant is entitled to the order sought and it should be granted accordingly.

*(signed)*

[X.Y.] *(add designation and business address)*

Solicitor for applicant

*(insert date)*

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## Form 58

### Rule 3.39.14(2)

#### FORM OF ORDER FOR DISPOSAL OF A BODY

Sheriff Court .....

..... 20 .....

(Court Ref. No.)

*\*Delete as appropriate*

The sheriff, having considered an application made under section 93 of the Public Health etc. (Scotland) Act 2008 and any productions lodged,

\*Being satisfied that there is a significant risk to public health, makes an order authorising the applicant to remove the body of *(insert details of deceased person)* to a mortuary or other similar premises and to dispose of that body before the expiry of *(insert period sought)*.

OR

\*Being satisfied that the risk to public health is such that it is necessary for the body of *(insert details of deceased person)* to be disposed of immediately, makes an order authorising the applicant to dispose of the body as soon as reasonably practicable.

*(signed)*

Sheriff