



Public Health etc. (Scotland) Act 2008

2008 asp 5

PART 4

PUBLIC HEALTH FUNCTIONS OF HEALTH BOARDS

Quarantine

40 Quarantine orders

- (1) The sheriff may, if satisfied as to the matters mentioned in subsection (2), make a quarantine order—
 - (a) authorising—
 - (i) the quarantining of the person;
 - (ii) where the person is not in the place in which that person is to be quarantined, the removal of the person to that place; and
 - (iii) the taking in relation to the person of such of the steps mentioned in section 46(2) (if any) as the sheriff considers appropriate; and
 - (b) imposing such conditions (if any) in relation to the quarantine as the sheriff considers appropriate.
- (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 quarantined; and
 - (c) that—
 - (i) before the application under section 39(2) was made, the health board gave an explanation under section 31(3) or (5); or

Changes to legislation: There are currently no known outstanding effects for the Public Health etc. (Scotland) Act 2008, Section 40. (See end of Document for details)

- (ii) where no such explanation was given, it was not reasonably practicable to do so.
- (3) A quarantine order has effect—
 - (a) from the time at which it is made;
 - (b) for such period, not exceeding 3 weeks beginning with the day on which the order is made, as the sheriff considers appropriate.
- (4) A person may be removed to a place in which the person is to be quarantined by—
 - (a) a constable;
 - (b) an officer of the health board;
 - (c) an officer of a local authority; or
 - (d) any other person the sheriff considers appropriate.
- (5) Conditions imposed by a quarantine order may include—
 - (a) conditions relating to—
 - (i) the persons who may have access to the place in which a person is quarantined; and
 - (ii) the purposes for which such persons may have access;
 - (b) conditions relating to—
 - (i) the persons who may have access to the quarantined person; and
 - (ii) the purposes for which such persons may have access;
 - (c) conditions relating to the welfare of the quarantined person.
- (6) A quarantine order must—
 - (a) specify—
 - (i) the person to whom the order applies;
 - (ii) the place in which the person is to be quarantined;
 - (iii) the period for which the person is to be quarantined;
 - (iv) the steps mentioned in section 46(2) (if any) which may be taken in relation to the quarantined person; and
 - (v) any conditions imposed; 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.

Commencement Information

II S. 40 in force at 1.10.2009 by S.S.I. 2009/319, art. 2(a), Sch. 1

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