



Public Health etc. (Scotland) Act 2008

2008 asp 5

PART 4 **S**

PUBLIC HEALTH FUNCTIONS OF HEALTH BOARDS

Review of orders

53 Duty to keep exclusion and restriction orders under review **S**

- (1) This section applies where a person is subject to—
 - (a) an exclusion order; or
 - (b) a restriction order.
- (2) Without prejudice to section 52(2), a health board competent person of the appropriate health board must, if requested to do so by the person to whom the order applies, and from time to time, consider whether—
 - (a) the conditions mentioned in section 52(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) If, having considered the matters mentioned in subsection (2)(a) and (b), the competent person is not satisfied—
 - (a) that the conditions mentioned in section 52(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.
- (4) In subsection (2), the “appropriate health board” has the same meaning as in section 48(5).

Commencement Information

II S. 53 in force at 1.10.2009 by S.S.I. 2009/319, art. 2(a), Sch. 1

Changes to legislation:

There are currently no known outstanding effects for the Public Health etc. (Scotland) Act 2008, Section 53.