



# Public Health etc. (Scotland) Act 2008

## 2008 asp 5

### PART 4

#### PUBLIC HEALTH FUNCTIONS OF HEALTH BOARDS

##### *Appeals*

#### **63 Exclusion orders and restriction orders: further appeal to sheriff principal**

- (1) A person who appealed under section 61(2) may, with the leave of the sheriff, appeal against a decision mentioned in subsection (2) to the sheriff principal.
- (2) A decision referred to in subsection (1) is a decision of the sheriff—
  - (a) to confirm the exclusion order appealed against;
  - (b) to confirm the restriction order appealed against;
  - (c) to modify the order; or
  - (d) to confirm the decision appealed against.
- (3) A health board aggrieved by an appeal under section 61(2) may, with the leave of the sheriff, appeal against a decision mentioned in subsection (4) to the sheriff principal.
- (4) A decision referred to in subsection (3) is a decision of the sheriff—
  - (a) to revoke the exclusion order appealed against;
  - (b) to revoke the restriction order appealed against;
  - (c) to modify the order; or
  - (d) to quash the decision appealed against.
- (5) An appeal under this section may be made only on the ground that—
  - (a) the sheriff erred in law;
  - (b) the decision of the sheriff was not supported by the facts established by the sheriff in the appeal.
- (6) On an appeal under this section, the sheriff principal may—
  - (a) confirm the decision appealed against;
  - (b) modify that decision;
  - (c) quash that decision;

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*Status: This is the original version (as it was originally enacted).*

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- (d) make such other order as the sheriff principal considers appropriate.
- (7) The decision of the sheriff principal on an appeal under this section is final.