



# Public Health etc. (Scotland) Act 2008

## 2008 asp 5

### PART 4

#### PUBLIC HEALTH FUNCTIONS OF HEALTH BOARDS

##### *Appeals*

#### **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.

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*Changes to legislation: There are currently no known outstanding effects for the  
Public Health etc. (Scotland) Act 2008, Section 61. (See end of Document for details)*

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(6) In subsection (5)(b), “modify” is to be construed in accordance with section 48.

**Commencement Information**

**I1** S. 61 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 61.