



# Public Health etc. (Scotland) Act 2008

## 2008 asp 5

### PART 4

#### PUBLIC HEALTH FUNCTIONS OF HEALTH BOARDS

##### *Variation and extension of orders*

#### **48 Variation of exclusion and restriction orders**

- (1) This section applies where a person is subject to—
  - (a) an exclusion order; or
  - (b) a restriction order.
- (2) A health board competent person of the appropriate health board may, if that person considers it appropriate, modify the order—
  - (a) in the case of an exclusion order, by varying the place, or type of place, from which the person is excluded;
  - (b) in the case of a restriction order, by varying the activity, or type of activity, which the person is prohibited from carrying on; and
  - (c) in either case—
    - (i) where the order imposed no conditions on the person, by imposing such conditions; or
    - (ii) in any other case, by modifying any conditions imposed on the person.
- (3) In subsection (2)(c)(ii), modifying conditions means—
  - (a) adding;
  - (b) varying; or
  - (c) removing,a condition.
- (4) The competent person must give notice of the modification made to—
  - (a) the person to whom the order applies; and
  - (b) any other person to whom the order was notified under section 37(4)(c) or, as the case may be, 38(4)(c).

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*Changes to legislation: There are currently no known outstanding effects for the  
Public Health etc. (Scotland) Act 2008, Section 48. (See end of Document for details)*

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(5) In subsection (2), “appropriate health board” means the board which designated the health board competent person who made the order.

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**Commencement Information**

**I1** S. 48 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 48.