



# Public Health etc. (Scotland) Act 2008

## 2008 asp 5

### PART 4

#### PUBLIC HEALTH FUNCTIONS OF HEALTH BOARDS

##### *Exclusion orders and restriction orders*

#### **37 Exclusion orders**

- (1) This section applies where—
  - (a) a health board knows that a person who is present in that board's area—
    - (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; and
  - (b) it appears to the board that as a result—
    - (i) there is a significant risk to public health; and
    - (ii) it is necessary, to avoid or minimise that risk, for the person to be excluded from certain places.
- (2) A health board competent person may make an order (an “exclusion order”)—
  - (a) prohibiting the person from entering or remaining in any place; and
  - (b) imposing such conditions (if any) on the person as the competent person considers appropriate.
- (3) A competent person—
  - (a) may not make an exclusion order unless that person is satisfied as to the matters mentioned in subsection (1);
  - (b) must, when making such an order, have regard to the desirability of imposing the least restrictive order necessary to protect public health.
- (4) The exclusion order must—
  - (a) specify—
    - (i) the person to whom it applies;

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*Status: Point in time view as at 01/10/2010.*

*Changes to legislation: There are currently no known outstanding effects for the Public Health etc. (Scotland) Act 2008, Section 37. (See end of Document for details)*

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- (ii) subject to subsection (5), the place, or type of place, from which the person is excluded; and
    - (iii) any conditions imposed on the person;
  - (b) be served on the person to whom it applies; and
  - (c) be notified to—
    - (i) any person who was given an explanation under section 31(5); and
    - (ii) any other person the competent person considers appropriate.
- (5) An exclusion order may not specify, as a place from which a person is excluded, that person's place of residence.
- (6) An exclusion order has effect only from the time it is served on the person to whom it applies.

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**Commencement Information**

**II** [S. 37](#) in force at 1.10.2009 by [S.S.I. 2009/319](#), art. 2(a), [Sch. 1](#)

**Status:**

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