



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;

*Changes to legislation: There are currently no known outstanding effects for the
Public Health etc. (Scotland) Act 2008, Section 63. (See end of Document for details)*

- (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.

Commencement Information

II [S. 63](#) in force at 1.10.2009 by [S.S.I. 2009/319](#), art. 2(a), [Sch. 1](#)

Changes to legislation:

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