



# Children (Scotland) Act 1995

## 1995 CHAPTER 36

### PART II

PROMOTION OF CHILDREN'S WELFARE BY LOCAL  
AUTHORITIES AND BY CHILDREN'S HEARINGS ETC.

### CHAPTER 3

PROTECTION AND SUPERVISION OF CHILDREN

#### *Exclusion orders*

#### **79 Duration, variation and recall of exclusion order**

- (1) Subject to subsection (2) below, an exclusion order shall cease to have effect on a date six months after being made.
- (2) An exclusion order shall cease to have effect on a date prior to the date mentioned in subsection (1) above where—
  - (a) the order contains a direction by the sheriff that it shall cease to have effect on that prior date;
  - (b) the sheriff, on an application under subsection (3) below, recalls the order before the date so mentioned; or
  - (c) any permission given by a third party to the spouse or partner of the named person, or to an appropriate person, to occupy the home to which the order relates is withdrawn.
- (3) The sheriff may, on the application of the local authority, the named person, an appropriate person or the spouse or partner of the named person, if that spouse or partner is not excluded from the family home and is not an appropriate person, vary or recall an exclusion order and any warrant, interdict, order or direction granted or made under section 77 of this Act.

- (4) For the purposes of this section, partners are persons who live together in a family home as if they were husband and wife.