



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).

Status: This is the original version (as it was originally enacted).

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