



# Public Health etc. (Scotland) Act 2008

## 2008 asp 5

### PART 4

#### PUBLIC HEALTH FUNCTIONS OF HEALTH BOARDS

##### *Review of orders*

#### **53 Duty to keep exclusion and restriction orders under review**

- (1) This section applies where a person is subject to—
  - (a) an exclusion order; or
  - (b) a restriction order.
- (2) Without prejudice to section 52(2), a health board competent person of the appropriate health board must, if requested to do so by the person to whom the order applies, and from time to time, consider whether—
  - (a) the conditions mentioned in section 52(3)(a) and (b) continue to apply; and
  - (b) it continues to be necessary, to avoid or minimise a significant risk to public health, for the person to be subject to the order.
- (3) If, having considered the matters mentioned in subsection (2)(a) and (b), the competent person is not satisfied—
  - (a) that the conditions mentioned in section 52(3)(a) and (b) continue to apply; or
  - (b) that it continues to be necessary for the person to be subject to the order,the competent person must revoke it.
- (4) In subsection (2), the “appropriate health board” has the same meaning as in section 48(5).

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#### **Commencement Information**

**II** S. 53 in force at 1.10.2009 by S.S.I. 2009/319, art. 2(a), Sch. 1

**Status:**

Point in time view as at 22/02/2020.

**Changes to legislation:**

There are currently no known outstanding effects for the Public Health etc. (Scotland) Act 2008, Section 53.