



Public Health etc. (Scotland) Act 2008

2008 asp 5

PART 4 **S**

PUBLIC HEALTH FUNCTIONS OF HEALTH BOARDS

Breach of orders and offences

70 Failure to ensure child's compliance with order **S**

- (1) This section applies where an order mentioned in subsection (2) is made in relation to a person who is under 16 (a “child”).
- (2) The order referred to in subsection (1) is—
 - (a) an exclusion order;
 - (b) a restriction order; or
 - (c) a quarantine order.
- (3) A parent of the child who—
 - (a) has day-to-day care or control of the child; and
 - (b) fails, without reasonable excuse, to ensure that the child does not breach the order,commits an offence.
- (4) Where there is no such parent, a person mentioned in subsection (5) who fails, without reasonable excuse, to ensure that the child does not breach the order commits an offence.
- (5) The person referred to in subsection (4) is a person who—
 - (a) is 16 or over; and
 - (b) has day-to-day care or control of the child otherwise than—
 - (i) by virtue of a contract of employment or other contract with any person; or
 - (ii) as a volunteer for a voluntary organisation.

*Changes to legislation: There are currently no known outstanding effects for the
Public Health etc. (Scotland) Act 2008, Section 70. (See end of Document for details)*

- (6) In proceedings for an offence under subsection (3) or (4), it is a defence for the person to prove that the person exercised all due diligence and took all reasonable steps to avoid committing the offence.

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Commencement Information

II [S. 70](#) in force at 1.10.2009 by [S.S.I. 2009/319](#), art. 2(a), [Sch. 1](#)

Changes to legislation:

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