



Public Health etc. (Scotland) Act 2008

2008 asp 5

PART 4

PUBLIC HEALTH FUNCTIONS OF HEALTH BOARDS

Exclusion orders and restriction orders

38 Restriction orders

- (1) This section applies where—
 - (a) a health board knows that a person who is present in that board's area—
 - (i) has an infectious disease;
 - (ii) has been exposed to an organism which causes such a disease;
 - (iii) is contaminated; or
 - (iv) has been exposed to a contaminant; and
 - (b) it appears to the board that as a result—
 - (i) there is a significant risk to public health; and
 - (ii) it is necessary, to avoid or minimise that risk, for the person to be restricted from carrying on certain activities.
- (2) A health board competent person may make an order (a "restriction order")—
 - (a) prohibiting the person from carrying on any activity; and
 - (b) imposing such conditions (if any) on the person as the competent person considers appropriate.
- (3) A competent person—
 - (a) may not make a restriction order unless that person is satisfied as to the matters mentioned in subsection (1);
 - (b) must, when making a restriction order, have regard to the desirability of imposing the least restrictive order necessary to protect public health.
- (4) The restriction order must—
 - (a) specify—
 - (i) the person to whom it applies;

Status: This is the original version (as it was originally enacted).

- (ii) the activity, or type of activity, which the person is prohibited from carrying on; and
 - (iii) any conditions imposed on the person;
 - (b) be served on the person to whom it applies; and
 - (c) be notified to—
 - (i) any person who was given an explanation under section 31(5); and
 - (ii) any other person the competent person considers appropriate.
- (5) A restriction order has effect only from the time it is served on the person to whom it applies.