



# Civic Government (Scotland) Act 1982

## 1982 CHAPTER 45

### PART IX

#### MISCELLANEOUS AND GENERAL

##### *Management rules*

#### **117 Exclusion orders**

- (1) A local authority may decide that a person who has, in respect of particular land or premises, persistently contravened or attempted to contravene management rules applying to the land or premises and is, in their opinion, likely to contravene them again, shall be made subject to an exclusion order under this section.
- (2) An exclusion order shall take effect upon a person under subsection (1) above on such a date as the local authority may decide which shall be not less than 14 days after their decision under that subsection.
- (3) The local authority shall, in accordance with subsection (7) below, give the person subject to an exclusion order notice of their decision under subsection (1) above which notice shall contain a statement of the reasons for that decision and a statement as to his right under subsection (4) below to make representations.
- (4) The person who has been made subject to an exclusion order shall be entitled to make written or oral representations to the local authority at any time up to the date when the order would, but for subsection (5) below, have taken effect upon him.
- (5) On representations being so made the local authority shall suspend the effect of their decision, consider the representations and decide whether to confirm their decision or to revoke or amend it.
- (6) Section 56(1) of the Local Government (Scotland) Act 1973 shall not apply to the discharge of a local authority's functions under this section so as to enable them to be discharged by an officer.
- (7) Notice shall be given for the purposes of subsection (3) above by—

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*Status: This is the original version (as it was originally enacted).*

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- (a) its being sent by recorded delivery letter to the last known address of the person subject to the order so as to arrive there, in the normal course of post, not later than five days after the decision under subsection (1) above; or
  - (b) personal service of the notice upon that person within that time.
- (8) An exclusion order shall have effect for such period, not exceeding one year, as the local authority making it may determine ; and a local authority may at any time reduce the period of, or revoke, an exclusion order made by them.