



Public Health etc. (Scotland) Act 2008

2008 asp 5

PART 1

PUBLIC HEALTH RESPONSIBILITIES

Local authorities

4 Duty of local authorities to protect public health

Each local authority is to continue to make provision, or secure that provision is made, for the purpose of protecting public health in its area.

Annotations:

Commencement Information

II S. 4 in force at 1.10.2009 by S.S.I. 2009/319, art. 2(a), **Sch. 1**

5 Designation of competent persons by local authorities

- (1) Each local authority must designate a sufficient number of persons for the purpose of exercising, on behalf of the authority, the functions relating to protection of public health mentioned in subsection (3).
- (2) A person designated under subsection (1) is a “local authority competent person”.
- (3) The functions referred to in subsection (1) are—
 - (a) the functions conferred on a local authority competent person by virtue of this Act; and
 - (b) any functions conferred on such a competent person by virtue of any other enactment.
- (4) The Scottish Ministers may prescribe—
 - (a) the persons or classes of person who may be designated as local authority competent persons;
 - (b) the qualifications which such persons must have;

Changes to legislation: Public Health etc. (Scotland) Act 2008, Cross Heading: Local authorities is up to date with all changes known to be in force on or before 30 January 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (c) the training which such persons must have undertaken;
 - (d) such other requirements as to competency which such persons must meet as Ministers consider appropriate; and
 - (e) such other matters relating to the terms and conditions of the designation of persons as competent persons as Ministers consider appropriate.
- (5) Regulations under subsection (4) may provide that such functions of local authority competent persons as are prescribed may be exercised only by competent persons who —
- (a) have such qualifications;
 - (b) have undertaken such training; or
 - (c) meet such other requirements as to competency,
- as the Scottish Ministers consider appropriate in relation to those functions.

Annotations:

Commencement Information

I2 S. 5 in force at 1.4.2009 for specified purposes by S.S.I. 2009/9, art. 2(b), **Sch. 2**

I3 S. 5 in force at 1.10.2009 in so far as not already in force by S.S.I. 2009/319, art. 2(a), **Sch. 1**

Changes to legislation:

Public Health etc. (Scotland) Act 2008, Cross Heading: Local authorities is up to date with all changes known to be in force on or before 30 January 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 92(1)(b)(i)(ii) inserted by [2016 asp 20 Sch. 1 para. 2\(a\)](#)