



Public Health etc. (Scotland) Act 2008

2008 asp 5

PART 5

PUBLIC HEALTH FUNCTIONS OF LOCAL AUTHORITIES

Appeals

83 Appeals against notices under this Part

- (1) Any person on whom a notice under—
 - (a) section 73(3); or
 - (b) section 76(2),is served may appeal to the sheriff.
- (2) An appeal under this section may be made against—
 - (a) the notice;
 - (b) any requirement specified in it.
- (3) An appeal under this section must be made before the expiry of the period of 14 days beginning with the day after the day on which the notice is served.
- (4) On an appeal under this section, the sheriff may—
 - (a) confirm the notice;
 - (b) revoke the notice;
 - (c) remove or vary any requirement specified in the notice;
 - (d) make such other order as the sheriff considers appropriate.

Commencement Information

II [S. 83](#) in force at 1.10.2009 by [S.S.I. 2009/319](#), art. 2(a), [Sch. 1](#)

84 Appeal to sheriff principal

- (1) A person who appealed under section 83(1) may, with the leave of the sheriff, appeal against a decision mentioned in subsection (2) to the sheriff principal.

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

- (2) A decision referred to in subsection (1) is a decision of the sheriff—
 - (a) to confirm the notice appealed against;
 - (b) not to remove or vary any requirement specified in the notice.
- (3) A local authority may, with the leave of the sheriff, appeal against a decision mentioned in subsection (4) to the sheriff principal.
- (4) A decision referred to in subsection (3) is a decision of the sheriff—
 - (a) to revoke the notice appealed against;
 - (b) to remove or vary any requirement specified in the notice.
- (5) On an appeal under this section, the sheriff principal may—
 - (a) confirm the decision appealed against;
 - (b) modify that decision;
 - (c) quash that decision;
 - (d) make such other order as the sheriff principal considers appropriate.

Commencement Information

I2 S. 84 in force at 1.10.2009 by [S.S.I. 2009/319](#), art. 2(a), [Sch. 1](#)

85 Appeal to Court of Session

- (1) A person who appealed under section 84(1) or (3) may, with the leave of the sheriff principal, appeal against the sheriff principal's decision to the Court of Session.
- (2) An appeal under this section may be made on a point of law only.
- (3) On an appeal under this section, the Court of Session may—
 - (a) confirm the decision appealed against;
 - (b) modify that decision;
 - (c) quash that decision;
 - (d) make such other order as the Court considers appropriate.
- (4) The decision of the Court on an appeal under this section is final.

Commencement Information

I3 S. 85 in force at 1.10.2009 by [S.S.I. 2009/319](#), art. 2(a), [Sch. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the Public Health etc. (Scotland) Act 2008,
Cross Heading: Appeals.