



Public Health etc. (Scotland) Act 2008

2008 asp 5

PART 1

PUBLIC HEALTH RESPONSIBILITIES

Power of Scottish Ministers to intervene

8 Power to direct health boards and local authorities

- (1) This section and section 9 apply where the Scottish Ministers consider that—
 - (a) a health board or, as the case may be, a local authority has failed, is failing or is likely to fail—
 - (i) to exercise a function conferred on it by virtue of this Act or by any other enactment relating to the protection of public health; or
 - (ii) to exercise that function in a manner which Ministers consider acceptable; and
 - (b) it is necessary for the purpose of protecting public health that the function—
 - (i) is exercised; or
 - (ii) is exercised in such a manner as Ministers consider acceptable.
- (2) The Scottish Ministers may in writing direct the board or, as the case may be, the authority—
 - (a) to exercise the function; or
 - (b) to exercise it in such a manner,within such period and subject to such other conditions as they consider appropriate.
- (3) A direction under subsection (2) must specify—
 - (a) the function of the board or, as the case may be, of the authority to which it applies;
 - (b) the period within which the function—
 - (i) is to be exercised; or
 - (ii) is to be exercised in the manner specified; and
 - (c) any other conditions imposed on the board or authority in relation to the exercise of the function.

Status: Point in time view as at 01/10/2009. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Public Health etc. (Scotland) Act 2008, Section 8. (See end of Document for details)

- (4) The Scottish Ministers may from time to time vary or withdraw a direction under subsection (2).

Commencement Information

II S. 8 in force at 1.10.2009 by S.S.I. 2009/319, art. 2(a), Sch. 1

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