



Public Health etc. (Scotland) Act 2008

2008 asp 5

PART 1

PUBLIC HEALTH RESPONSIBILITIES

Power of Scottish Ministers to intervene

9 Power to direct that functions be exercised by other persons

- (1) The Scottish Ministers may, whether or not they have given a direction under section 8(2), in writing direct that a function of a health board or, as the case may be, of a local authority be exercised instead by a person specified in the direction.
- (2) But, where a direction under section 8(2) has been given, they may not give a direction under subsection (1)—
 - (a) before the expiry of the period specified in the direction under that section; or
 - (b) where that period has not expired, without withdrawing that direction under section 8(4).
- (3) The persons who may be specified in a direction under subsection (1) are one or more of the following—
 - (a) a health board;
 - (b) the common services agency;
 - (c) a local authority;
 - (d) an employee of—
 - (i) a health board;
 - (ii) the agency; or
 - (iii) a local authority;
 - (e) a member of staff of the Scottish Administration;
 - (f) such other person Ministers consider appropriate.
- (4) A direction under subsection (1) must specify—
 - (a) the function of the board or, as the case may be, of the authority to which it applies;
 - (b) the person by whom the function is to be exercised;

Status: This is the original version (as it was originally enacted).

- (c) the period for which that person is to exercise that function;
 - (d) the extent to which that person is to exercise that function; and
 - (e) any other conditions imposed by the Scottish Ministers as they consider appropriate.
- (5) The Scottish Ministers may from time to time vary or withdraw a direction under subsection (1).