

# **PUBLIC HEALTH ETC. (SCOTLAND) ACT 2008**

---

## **EXPLANATORY NOTES**

### **THE ACT – OVERVIEW**

#### **Part 1**

#### **Public Health Responsibilities**

##### **Local authorities**

##### ***Section 4 Duty of local authorities to protect public health***

10. This section places a duty on each local authority to continue to make provision, or secure that provision is made, for the purpose of protecting public health in its area.

##### ***Section 5 Designation of competent persons by local authorities***

11. Similarly to section 3, section 5 places a duty on local authorities to designate a sufficient number of persons for the purpose of exercising certain functions relating to public health under the Act and other enactments, in each local authority area. Persons designated under this section are to be known as “local authority competent persons”.
12. The Scottish Ministers may, by regulations, prescribe the persons or classes of person who may be designated as local authority competent persons; the qualifications, training and other requirements to demonstrate competency which they must meet; and any other matters relating to the terms and conditions of such a designation as the Scottish Ministers consider appropriate. The regulations may provide that certain functions of local authority competent persons may be carried out only by those with particular qualifications, training or other prescribed competencies. The regulations will be made by negative procedure.