

*These notes relate to the Public Health etc. (Scotland) Act 2008 (asp 5) which received Royal Assent on 16 July 2008*

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

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## **EXPLANATORY NOTES**

### **THE ACT – OVERVIEW**

#### **Part 4**

#### **Public Health Functions of Health Boards**

#### **Procedure**

#### ***Section 71 Applications and appeals***

143. This section refers to the Court of Session’s power under section 32 of the Sheriff Courts (Scotland) Act 1971 to make rules to regulate procedure in the sheriff court. The procedure to be used in applications and appeals under Part 4 will be provided for in rules of court and may in particular include: the manner in which, and time within which, notice of applications for orders is given; the manner in which, and time within which, notice of orders is given; where applications and orders are made in relation to persons who are under 16, the persons to whom notice of such applications must be given; the circumstances in which the sheriff or sheriff principal may determine whether and where a hearing is to be held, and the place or types of place at which hearings may be held. An application may be determined by the sheriff, either in open court or in a private hearing (known as “in chambers”) and with or without the person in respect of whom the application is made being present (except in relation to appeals).