

Public Health etc. (Scotland) Act 2008

2008 asp 5

PART 1

PUBLIC HEALTH RESPONSIBILITIES

Local authorities

5 Designation of competent persons by local authorities

- (1) Each local authority must designate a sufficient number of persons for the purpose of exercising, on behalf of the authority, the functions relating to protection of public health mentioned in subsection (3).
- (2) A person designated under subsection (1) is a “local authority competent person”.
- (3) The functions referred to in subsection (1) are—
 - (a) the functions conferred on a local authority competent person by virtue of this Act; and
 - (b) any functions conferred on such a competent person by virtue of any other enactment.
- (4) The Scottish Ministers may prescribe—
 - (a) the persons or classes of person who may be designated as local authority competent persons;
 - (b) the qualifications which such persons must have;
 - (c) the training which such persons must have undertaken;
 - (d) such other requirements as to competency which such persons must meet as Ministers consider appropriate; and
 - (e) such other matters relating to the terms and conditions of the designation of persons as competent persons as Ministers consider appropriate.
- (5) Regulations under subsection (4) may provide that such functions of local authority competent persons as are prescribed may be exercised only by competent persons who—
 - (a) have such qualifications;
 - (b) have undertaken such training; or

Changes to legislation: Public Health etc. (Scotland) Act 2008, Section 5 is up to date with all changes known to be in force on or before 14 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

(c) meet such other requirements as to competency,
as the Scottish Ministers consider appropriate in relation to those functions.

Commencement Information

- I1** S. 5 in force at 1.4.2009 for specified purposes by S.S.I. 2009/9, art. 2(b), **Sch. 2**
I2 S. 5 in force at 1.10.2009 in so far as not already in force by S.S.I. 2009/319, art. 2(a), **Sch. 1**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 95(4)(aa) inserted by [S.S.I. 2019/142 reg. 2\(2\)](#)
- s. 96(5)(aa) inserted by [S.S.I. 2019/142 reg. 2\(3\)](#)