



Public Health etc. (Scotland) Act 2008

2008 asp 5

PART 1 **S**

PUBLIC HEALTH RESPONSIBILITIES

Power of Scottish Ministers to intervene

8 Power to direct health boards and local authorities **S**

- (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.

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).

[^{F1}(5) If, in pursuance of an integration scheme prepared under section 1 or 2 of the Public Bodies (Joint Working) (Scotland) Act 2014, a health board delegates any of its functions relating to the protection of public health, this section and sections 9 and 10 apply in relation to the person to whom the functions are delegated as they apply to the health board.]

Textual Amendments

F1 S. 8(5) inserted (1.4.2015) by The Public Bodies (Joint Working) (Scotland) Act 2014 (Consequential Modifications and Saving) Order 2015 (S.S.I. 2015/157), art. 1(1), **Sch. para. 8(3)**

Commencement Information

I1 S. 8 in force at 1.10.2009 by S.S.I. 2009/319, art. 2(a), **Sch. 1**

Changes to legislation:

There are currently no known outstanding effects for the Public Health etc. (Scotland) Act 2008, Section 8.