



Public Health etc. (Scotland) Act 2008

2008 asp 5

PART 1

PUBLIC HEALTH RESPONSIBILITIES

Power of Scottish Ministers to intervene

8 Power to direct health boards and local authorities

- (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.

Status: This is the original version (as it was originally enacted).

- (4) The Scottish Ministers may from time to time vary or withdraw a direction under subsection (2).