



# Public Health etc. (Scotland) Act 2008

## 2008 asp 5

### PART 5

#### PUBLIC HEALTH FUNCTIONS OF LOCAL AUTHORITIES

#### *Appeals*

#### **83 Appeals against notices under this Part**

- (1) Any person on whom a notice under—
  - (a) section 73(3); or
  - (b) section 76(2),is served may appeal to the sheriff.
- (2) An appeal under this section may be made against—
  - (a) the notice;
  - (b) any requirement specified in it.
- (3) An appeal under this section must be made before the expiry of the period of 14 days beginning with the day after the day on which the notice is served.
- (4) On an appeal under this section, the sheriff may—
  - (a) confirm the notice;
  - (b) revoke the notice;
  - (c) remove or vary any requirement specified in the notice;
  - (d) make such other order as the sheriff considers appropriate.

#### **84 Appeal to sheriff principal**

- (1) A person who appealed under section 83(1) may, with the leave of the sheriff, appeal against a decision mentioned in subsection (2) to the sheriff principal.
- (2) A decision referred to in subsection (1) is a decision of the sheriff—
  - (a) to confirm the notice appealed against;
  - (b) not to remove or vary any requirement specified in the notice.

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*Status: This is the original version (as it was originally enacted).*

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- (3) A local authority may, with the leave of the sheriff, appeal against a decision mentioned in subsection (4) to the sheriff principal.
- (4) A decision referred to in subsection (3) is a decision of the sheriff—
  - (a) to revoke the notice appealed against;
  - (b) to remove or vary any requirement specified in the notice.
- (5) On an appeal under this section, the sheriff principal may—
  - (a) confirm the decision appealed against;
  - (b) modify that decision;
  - (c) quash that decision;
  - (d) make such other order as the sheriff principal considers appropriate.

## **85 Appeal to Court of Session**

- (1) A person who appealed under section 84(1) or (3) may, with the leave of the sheriff principal, appeal against the sheriff principal's decision to the Court of Session.
- (2) An appeal under this section may be made on a point of law only.
- (3) On an appeal under this section, the Court of Session may—
  - (a) confirm the decision appealed against;
  - (b) modify that decision;
  - (c) quash that decision;
  - (d) make such other order as the Court considers appropriate.
- (4) The decision of the Court on an appeal under this section is final.