



# Public Health etc. (Scotland) Act 2008

## 2008 asp 5

### PART 1

#### PUBLIC HEALTH RESPONSIBILITIES

##### *Local authorities*

#### **4 Duty of local authorities to protect public health**

Each local authority is to continue to make provision, or secure that provision is made, for the purpose of protecting public health in its area.

#### **Commencement Information**

**II** S. 4 in force at 1.10.2009 by S.S.I. 2009/319, art. 2(a), Sch. 1

#### **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;

---

**Changes to legislation:** There are currently no known outstanding effects for the Public Health etc. (Scotland) Act 2008, Cross Heading: Local authorities. (See end of Document for details)

---

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

#### **Commencement Information**

**I2** S. 5 in force at 1.4.2009 for specified purposes by S.S.I. 2009/9, art. 2(b), **Sch. 2**

**I3** 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**

**Changes to legislation:**

There are currently no known outstanding effects for the Public Health etc. (Scotland) Act 2008,  
Cross Heading: Local authorities.