



# Public Health etc. (Scotland) Act 2008

## 2008 asp 5

### PART 4

#### PUBLIC HEALTH FUNCTIONS OF HEALTH BOARDS

##### *Procedure*

#### **71 Applications and appeals**

- (1) Nothing in this Part affects the Court of Session's power under section 32 of the Sheriff Courts (Scotland) Act 1971 (c. 58) to regulate and prescribe the procedure and practice to be followed in any application or appeal under this Part.
- (2) Without prejudice to the generality of section 32 of that Act, provision may, in particular, be made under that section about—
  - (a) the manner in which, and time within which, notice of applications for orders is given;
  - (b) the manner in which, and time within which, notice of orders is given;
  - (c) where applications and orders are made in relation to persons who are under 16, the persons to whom notice of such applications and orders must be given;
  - (d) the circumstances in which the sheriff or, as the case may be, the sheriff principal, may determine whether and, if so, where, a hearing is to be held; and
  - (e) the place, or types of place, at which hearings may be held.
- (3) The sheriff may determine an application under this Part (other than an appeal)—
  - (a) in chambers;
  - (b) in the absence of the person to whom the application relates.

---

#### **Commencement Information**

**II** S. 71 in force at 1.10.2009 by S.S.I. 2009/319, art. 2(a), Sch. 1

**Status:**

Point in time view as at 01/10/2009.

**Changes to legislation:**

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