



Public Health etc. (Scotland) Act 2008

2008 asp 5

PART 4

PUBLIC HEALTH FUNCTIONS OF HEALTH BOARDS

Appeals

64 Appeal to Court of Session

- (1) A person who appealed under section 62(2) may, with the leave of the sheriff principal, appeal against a decision mentioned in subsection (2) to the Court of Session.
- (2) A decision referred to in subsection (1) is a decision of the sheriff principal—
 - (a) to confirm the order appealed against;
 - (b) to modify the order; or
 - (c) to confirm the decision appealed against.
- (3) A health board aggrieved by an appeal under section 62(2) may, with the leave of the sheriff principal, appeal against a decision mentioned in subsection (4) to the Court of Session.
- (4) A decision referred to in subsection (3) is a decision of the sheriff principal—
 - (a) to revoke the order appealed against;
 - (b) to modify the order; or
 - (c) to quash the decision appealed against.
- (5) An appeal under this section may be made only on the ground that—
 - (a) the sheriff principal erred in law;
 - (b) the decision of the sheriff principal was not supported by the facts established by the sheriff principal in the appeal.
- (6) 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.

*Changes to legislation: There are currently no known outstanding effects for the
Public Health etc. (Scotland) Act 2008, Section 64. (See end of Document for details)*

(7) The decision of the Court on an appeal under this section is final.

Commencement Information

I1 S. 64 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 64.