



# Public Health etc. (Scotland) Act 2008

## 2008 asp 5

### PART 1

#### PUBLIC HEALTH RESPONSIBILITIES

##### *Power of Scottish Ministers to intervene*

#### **9 Power to direct that functions be exercised by other persons**

- (1) The Scottish Ministers may, whether or not they have given a direction under section 8(2), in writing direct that a function of a health board or, as the case may be, of a local authority be exercised instead by a person specified in the direction.
- (2) But, where a direction under section 8(2) has been given, they may not give a direction under subsection (1)—
  - (a) before the expiry of the period specified in the direction under that section; or
  - (b) where that period has not expired, without withdrawing that direction under section 8(4).
- (3) The persons who may be specified in a direction under subsection (1) are one or more of the following—
  - (a) a health board;
  - (b) the common services agency;
  - (c) a local authority;
  - (d) an employee of—
    - (i) a health board;
    - (ii) the agency; or
    - (iii) a local authority;
  - (e) a member of staff of the Scottish Administration;
  - (f) such other person Ministers consider appropriate.
- (4) A direction under subsection (1) must specify—
  - (a) the function of the board or, as the case may be, of the authority to which it applies;
  - (b) the person by whom the function is to be exercised;

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*Changes to legislation: There are currently no known outstanding effects for the Public Health etc. (Scotland) Act 2008, Section 9. (See end of Document for details)*

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- (c) the period for which that person is to exercise that function;
  - (d) the extent to which that person is to exercise that function; and
  - (e) any other conditions imposed by the Scottish Ministers as they consider appropriate.
- (5) The Scottish Ministers may from time to time vary or withdraw a direction under subsection (1).

**Commencement Information**

**II** S. 9 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 9.