



# Public Health etc. (Scotland) Act 2008

## 2008 asp 5

### PART 5

#### PUBLIC HEALTH FUNCTIONS OF LOCAL AUTHORITIES

##### *Existing functions*

#### **86 Application of this Part where other functions being exercised**

- (1) This section applies where—
  - (a) a local authority; or
  - (b) any other person,has functions under any other enactment in relation to premises or things which are infected, infested or contaminated.
- (2) A function to which subsection (1) applies is an “existing function”.
- (3) A local authority may not exercise any function conferred on it by virtue of this Part if and to the extent that—
  - (a) the authority or any other person is exercising an existing function; or
  - (b) the authority is aware that another person is likely imminently to exercise an existing function,in relation to the infected, infested or contaminated premises or thing.
- (4) Subsection (3) does not affect the functions conferred on a local authority by virtue of section 72(1).