



# Public Health etc. (Scotland) Act 2008

## 2008 asp 5

### PART 1

#### PUBLIC HEALTH RESPONSIBILITIES

##### *Health boards*

#### **2 Duty of health boards to protect public health**

- (1) Each health board is to continue to make provision, or secure that provision is made, for the purpose of protecting public health in its area.
- (2) Subsection (1) is without prejudice to section 2A of the 1978 Act (duty of health boards to promote improvement in the health of the people of Scotland).
- (3) Anything done by a health board in the exercise of functions under this Act is to be regarded as done in exercise of functions of the Scottish Ministers conferred on the health board by the order under section 2(1)(a) of the 1978 Act which constituted the board.

#### **Commencement Information**

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

#### **3 Designation of competent persons by health boards**

- (1) Each health board must designate a sufficient number of persons for the purpose of exercising, on behalf of the board, the functions relating to protection of public health mentioned in subsection (3).
- (2) A person designated under subsection (1) is a “health board competent person”.
- (3) The functions referred to in subsection (1) are—
  - (a) the functions conferred on a health board competent person by virtue of this Act; and

---

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

---

- (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 health board competent persons;
  - (b) the qualifications which such persons must have;
  - (c) the training which such persons must have undertaken;
  - (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 health board 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. 3 in force at 1.4.2009 for specified purposes by S.S.I. 2009/9, art. 2(b), Sch. 2

**I3** S. 3 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: Health boards.