



# Public Health etc. (Scotland) Act 2008

## 2008 asp 5

### [<sup>F1</sup>PART 5A

#### PUBLIC HEALTH PROTECTION MEASURES

##### *Public health protection regulations*

#### [<sup>F1</sup>86C **Public health protection regulations: further provision about public health declarations**

- (1) If the Scottish Ministers consider that it is not practicable for a public health declaration to be approved in accordance with section 86B(6), they may make a statement explaining why.
- (2) An example of when it may not be practicable for a public health declaration to be approved in accordance with section 86B(6) is if the Scottish Parliament is dissolved.
- (3) When a statement under subsection (1) is made, the Scottish Ministers must—
  - (a) lay a copy of the public health declaration and the statement before the Scottish Parliament, and
  - (b) publish the statement in such manner as they consider appropriate.
- (4) If a statement under subsection (1) is made—
  - (a) the public health declaration has effect immediately after the declaration is made, and
  - (b) the declaration ceases to have effect at the end of the period of 28 days beginning with the day on which it is made unless before the end of that period it is approved by the Scottish Parliament on a motion by a member of the Scottish Government (if it has not already ceased to have effect under subsection (5)).
- (5) If, on any day during that period of 28 days, the Parliament comes to a decision not to approve the public health declaration, the declaration ceases to have effect immediately after the decision is made.
- (6) In calculating the period of 28 days mentioned in subsections (4) and (5), no account is to be taken of any time during which the Scottish Parliament is—

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*Changes to legislation: There are currently no known outstanding effects for the  
Public Health etc. (Scotland) Act 2008, Section 86C. (See end of Document for details)*

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- (a) in recess for more than 4 days, or
- (b) dissolved.

(7) A motion under subsection (4)(b) may not be amended.]

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**Textual Amendments**

**F1** Pt. 5A inserted (1.9.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), ss. **1(2)**, 59(1)

**Changes to legislation:**

There are currently no known outstanding effects for the Public Health etc. (Scotland) Act 2008, Section 86C.