



# 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.

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*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)*

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

**Commencement Information**

**II** 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.