

**2009 No. 301**

**PUBLIC HEALTH**

**The Public Health etc. (Scotland) Act 2008 Designation of  
Competent Persons Regulations 2009**

<i>Made</i>	- - - -	<i>26th August 2009</i>
<i>Laid before the Scottish Parliament</i>		<i>28th August 2009</i>
<i>Coming into force</i>	- -	<i>1st October 2009</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 3(4) and section 5(4) of the Public Health etc. (Scotland) Act 2008(a) and all other powers enabling them to do so.

In accordance with section 122(3) of that Act they have consulted such persons as they consider appropriate.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Public Health etc. (Scotland) Act 2008 Designation of Competent Persons Regulations 2009 and shall come in to force on 1st October 2009.

(2) In these Regulations—

“Specialist Register” means a register maintained by the General Medical Council pursuant to article 13(1) of the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003(b); and

“UK Public Health Register” means the register of public health specialists established in 2003 by the Faculty of Public Health, the Royal Institute of Public Health and the Multidisciplinary Public Health Forum.

**Designation of Health Board Competent Persons**

2. A person who meets the criteria and is in receipt of the relevant qualifications set out in Regulation 3 may be designated as a health board competent person.

**Criteria and Qualifications for Health Board Competent Persons**

3. To be eligible for designation as a health board competent person, a person must—

(a) be employed by or have a contract for services with a health board in Scotland; and

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(a) 2008 asp 5.  
(b) S.I. 2003/1250.

- (b) (i) be a registered medical practitioner on the General Medical Council's Specialist Register in the speciality of public health medicine with a minimum of 6 months' work experience in health protection; or
- (ii) be a registered medical practitioner who holds a substantive consultant post in public health medicine in a health board or the common services agency or equivalent and held that post prior to 1st January 2008 and who has a minimum of 6 months' work experience in health protection; or
- (iii) be a nurse, registered with the Nursing and Midwifery Council, with a minimum of 2 years work experience in health protection; or
- (iv) be registered as a public health specialist on the UK Public Health Register, having gained access to the Register through education and training, with a minimum of 6 months' work experience in health protection; or
- (v) be registered as a public health specialist on the UK Public Health Register, having gained access to the Register by portfolio assessment, with a minimum of 2 years' work experience in health protection.

**Definition of work experience in health protection**

4. For the purposes of these Regulations 'work experience in health protection' means—
- (a) work experience in a health protection team in a health board or the common services agency, or equivalent; or
  - (b) work experience in health protection in a special health board, or equivalent.

**Designation of Local Authority Competent Persons**

5. A person who meets the criteria and is in receipt of the relevant qualifications set out in Regulation 6 may be designated as a local authority competent person.

**Criteria and Qualifications for Local Authority Competent Persons**

6. To be eligible for designation as a local authority competent person, a person must—
- (a) be employed by a local authority in Scotland;
  - (b) be an environmental health officer, meaning a person holding the Diploma in Environmental Health awarded by the Royal Environmental Health Institute of Scotland or equivalent; and
  - (c) have a minimum of 2 years' experience working as an environmental health officer within a local authority or equivalent.

*SHONA ROBISON*

Authorised to sign by the Scottish Ministers

St Andrew's House,  
Edinburgh  
26th August 2009

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

The Public Health etc. (Scotland) Act 2008 (“the Act”) provides that each health board (section 3) and each local authority (section 5) must designate a sufficient number of persons to be known as health board and local authority competent persons for the purpose of exercising specified public health functions under the Act. In each case the Scottish Ministers have the power to prescribe the qualifications and training of such persons in regulations.

Regulation 2 provides that a person who meets the criteria and has the qualifications set out in Regulation 3 is eligible to be designated as a health board competent person.

Regulation 3 provides the criteria which a health board competent person must meet and the qualifications which such a person must hold.

Regulation 4 provides a definition of work experience in health protection for the purposes of these Regulations.

Regulation 5 provides that a person who meets the criteria and has the qualifications set out in Regulation 6 is eligible to be designated as a local authority competent person.

Regulation 6 provides the criteria which a local authority competent person must meet and the qualifications which such a person must hold.

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