



Smoking, Health and Social Care (Scotland) Act 2005

2005 asp 13

SMOKING, HEALTH AND SOCIAL CARE (SCOTLAND) ACT 2005

PART 1

SMOKING: PROHIBITION AND CONTROL

- 1 Offence of permitting others to smoke in no-smoking premises
- 2 Offence of smoking in no-smoking premises
- 3 Display of warning notices in and on no-smoking premises
- 4 Meaning of “smoke” and “no-smoking premises”
- 5 Proceeding for offences under sections 1 to 3
- 6 Fixed penalties
- 7 Powers to enter and require identification
- 8 Bodies corporate etc.
- 9 Sale of tobacco to under-age persons: variation of age limit
- 10 Crown application

PART 2

GENERAL DENTAL SERVICES, GENERAL OPHTHALMIC SERVICES, PERSONAL DENTAL SERVICES ETC.

- 11 Detection of vision problems in children
- 12 Free oral health assessments and dental examinations
- 13 Free eye examinations and sight tests
- 14 Charges for certain dental appliances and general dental services
- 15 Arrangements for provision of general dental services
- 16 Assistance and support: general dental services
- 17 Lists of persons undertaking to provide or approved to assist in the provision of general dental services
- 18 Lists of persons performing personal dental services under section 17C arrangements or pilot schemes

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Smoking, Health and Social Care (Scotland) Act 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- 19 Lists of persons undertaking to provide or approved to assist in the provision of general ophthalmic services

PART 3

PHARMACEUTICAL CARE SERVICES ETC.

- 20 Health Boards' functions: provision and planning of pharmaceutical care services
 21 Pharmaceutical care services contracts
 22 Drug Tariff
 23 Persons performing pharmaceutical care services
 24 Assistance and support: primary medical services and pharmaceutical care services

PART 4

PROVISION OF SERVICES UNDER NHS CONTRACTS

- 25 Provision of certain services under NHS contracts

PART 5

DISCIPLINE

- 26 Disqualification by the NHS Tribunal
 27 Corresponding provision in England or Wales or Northern Ireland

PART 6

MISCELLANEOUS

Infection with hepatitis C as a result of NHS treatment etc.

- 28 Payments to certain persons infected with hepatitis C as a result of NHS treatment etc.

Amendment of Regulation of Care (Scotland) Act 2001

- 29 Independent health care services
 30 Implementation of certain decisions under the 2001 Act
 31 Frequency of inspection of care services under the 2001 Act
 32 Provision of information to the Scottish Social Services Council

Child care agencies and housing support services

- 33 Registration of child care agencies and housing support services
 34 Grants in respect of housing support services

Authorisation of medical treatment

- 35 Amendment of Adults with Incapacity (Scotland) Act 2000: authorisation of medical treatment

Appeals under Public Health (Scotland) Act 1897

- 36 Amendment of Public Health (Scotland) Act 1897: appeal against certain orders etc.

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Joint ventures

37 Joint ventures

Scottish Hospital Endowments Research Trust

38 Scottish Hospital Endowments Research Trust

PART 7

GENERAL

39 Ancillary provision

40 Regulations or orders

41 Interpretation

42 Minor and consequential amendments and repeals

43 Short title and commencement

SCHEDULE 1 — Fixed penalty for offences under sections 1, 2, and 3

- 1 Power to give fixed penalty notices
- 2 A fixed penalty notice for an offence under section 1,...
- 3 Contents of fixed penalty notice
- 4 The amount of the penalty and the period for payment
- 5 The discounted amount
- 6 Effect of notice and payment of penalty
- 7 Request for hearing
- 8 Power to withdraw notices
- 9 Effect of prosecution on notice
- 10 Recovery of unpaid fixed penalties
- 11 Judicial determination of enforcement of fixed penalty
- 12 General and supplementary
- 13 (1) Fixed penalty notices may not be given in such...

SCHEDULE 2 — Minor and consequential amendments

- 1 Public Health (Scotland) Act 1897 (c. 38)
- 2 National Health Service (Scotland) Act 1978 (c. 29)
- 3 Health and Medicines Act 1988 (c. 49)
- 4 National Health Service (Primary Care) Act 1997 (c. 46)
- 5 Police Act 1997 (c. 50)
- 6 The Scottish Public Services Ombudsman Act 2002 (asp 11)

SCHEDULE 3 — Repeals

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 3(1) modified by [S.S.I. 2006/90 reg. 2](#)
- s. 9 repealed by [2010 asp 3 Sch. 2 para. 5](#)
- s. 28(1)(a) text amended by [2011 asp 5 s. 22\(2\)\(a\)\(i\)\(ii\)](#)
- s. 28(1)(a)(iii) repealed by [2011 asp 5 s. 22\(2\)\(a\)\(iii\)](#)
- s. 28(1)(b) text amended by [2011 asp 5 s. 22\(2\)\(b\)\(i\)\(ii\)](#)
- s. 28(1)(b)(iii) repealed by [2011 asp 5 s. 22\(2\)\(b\)\(iii\)](#)
- s. 28(1)(c) inserted by [2011 asp 5 s. 22\(2\)\(c\)](#)
- s. 28(2A) inserted by [2011 asp 5 s. 22\(3\)](#)
- s. 28(3)(b) text amended by [2011 asp 5 s. 22\(4\)\(a\)](#)
- s. 28(3)(e) text amended by [2011 asp 5 s. 22\(4\)\(b\)](#)
- s. 28(4)(a) text amended by [2011 asp 5 s. 22\(5\)](#)
- s. 30(2) repealed by [2010 asp 8 Sch. 17 para. 33](#)
- s. 36 repealed by [2008 asp 5 Sch. 3](#)
- Sch. 2 para. 1 repealed by [2008 asp 5 Sch. 3](#)

Changes and effects yet to be applied to the whole Act, associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- specified provision(s) and purposes Appointed Day(s) by [S.S.I. 2006/121 art. 3 Sch. 1 2](#)

Commencement Orders yet to be applied to the Smoking, Health and Social Care (Scotland) Act 2005:

Commencement Orders bringing provisions within this Act into force:

- [S.S.I. 2005/492 art. 3 Sch. 1-3](#) commences (2005 asp 13)
- [S.S.I. 2005/642 art. 2](#) commences (2005 asp 13)
- [S.S.I. 2007/218 art. 2](#) commences (2005 asp 13)
- [S.S.I. 2010/185 art. 3](#) commences (2005 asp 13)

Commencement Orders bringing legislation that affects this Act into force:

- [S.S.I. 2009/319 art. 2 Sch. 1](#) commences (2008 asp 5)
- [S.S.I. 2010/321 art. 3](#) commences (2010 asp 8)
- [S.S.I. 2011/122 art. 2 3](#) commences (2010 asp 8)
- [S.S.I. 2011/278 art. 1](#) commences (2010 asp 8)