

## **EXPLANATORY NOTES**

### **SMOKING, HEALTH AND SOCIAL CARE (SCOTLAND) ACT 2005**

#### **INTRODUCTION**

#### **THE ACT**

##### **PART 1: SMOKING: PROHIBITION AND CONTROL**

Section 1 – Offence of permitting others to smoke in no-smoking premises

Section 2 – Offence of smoking in no-smoking premises

Section 3 – Display of warning notices in and on no-smoking premises

Section 4 – Meaning of “smoke” and “no-smoking premises”

Section 5 – Proceeding for offences under sections 1 to 3

Section 6 – Fixed penalties

Section 7 – Powers to enter and require identification

Section 8 – Bodies corporate etc.

Section 9 – Sale of tobacco to under-age persons: variation of age limit

Section 10 – Crown application

##### **PART 2: GENERAL DENTAL SERVICES, GENERAL OPHTHALMIC SERVICES AND PERSONAL DENTAL SERVICES**

Section 11 – Detection of vision problems in children

Section 12 – Free oral health assessments and dental examinations

Section 13 – Free eye examinations and sight tests

Section 14 – Charges for certain dental appliances and general dental services

Section 15 – Arrangements for provision of general dental services

Section 16 – Assistance and support: general dental services

Section 17 – Lists of persons undertaking to provide or approved to assist in the provision of general dental services

*These notes relate to the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13)*

Section 18 – Lists of persons performing personal dental services under section 17C arrangements or pilot schemes

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

### **PART 3: PHARMACEUTICAL CARE SERVICES ETC.**

Section 20 – Health Boards’ functions: provision and planning of pharmaceutical care services

**New section 2CA – Functions of Health Boards: pharmaceutical care services**

**New section 2CB – Functions of Health Boards: planning of pharmaceutical care services**

Section 21 – Pharmaceutical care services contracts

Section 22 – Drug Tariff

Section 23 – Persons performing pharmaceutical care services

Section 24 – Assistance and support: primary medical services and pharmaceutical care services

### **PART 4: PROVISION OF SERVICES UNDER NHS CONTRACTS**

Section 25 – Provision of certain services under NHS contracts

### **PART 5: DISCIPLINE**

Section 26 – Disqualification by the NHS Tribunal

Section 27 – Corresponding provision in England or Wales or Northern Ireland

### **PART 6: MISCELLANEOUS INFECTION WITH HEPATITIS C AS A RESULT OF NHS TREATMENT ETC.**

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

### **AMENDMENT OF REGULATION OF CARE (SCOTLAND) ACT 2001**

Section 29 – Independent health care services

Section 30 – Implementation of certain decisions under the 2001 Act

Section 31 – Frequency of inspection of care services under the 2001 Act

Section 32 – Provision of information to the Scottish Social Services Council

### **CHILD CARE AGENCIES AND HOUSING SUPPORT SERVICES**

Section 33 – Registration of child care agencies and housing support services

Section 34 – Grants in respect of housing support services

*These notes relate to the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13)*

## **AUTHORISATION OF MEDICAL TREATMENT**

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

## **APPEALS UNDER PUBLIC HEALTH (SCOTLAND) ACT 1897**

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

## **JOINT VENTURES**

Section 37 – Joint ventures

## **SCOTTISH HOSPITAL ENDOWMENTS RESEARCH TRUST**

Section 38 – Scottish Hospital Endowments Research Trust

## **PART 7: GENERAL**

Section 39 – Ancillary provisions

Section 40 – Regulations or orders

Section 41 – Interpretation

Section 42 – Minor and consequential amendments and repeals

Section 43 – Short title and commencement

Schedule 1 - Fixed Penalty for Offences under Sections 1, 2 and 3

Schedule 2 – Minor and Consequential Amendments

Schedule 3 - Repeals

## **Parliamentary History**