
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 642 (C.32)

PUBLIC HEALTH

**The Smoking, Health and Social Care (Scotland)
Act 2005 (Commencement No. 2) Order 2005**

Made - - - - 14th December 2005

The Scottish Ministers, in exercise of the powers conferred by section 43(3) of the Smoking, Health and Social Care (Scotland) Act 2005(1), hereby make the following Order:

Citation

1. This Order may be cited as the Smoking, Health and Social Care (Scotland) Act 2005 (Commencement No. 2) Order 2005.

Appointed day

2. The day appointed for the coming into force of section 4(6), (8) and (9) is 16th December 2005.

St Andrew's House, Edinburgh
14th December 2005

ANDREW P KERR
A member of the Scottish Executive

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints 16th December 2005 as the day for the coming into force of section 4(6), (8) and (9) of the [Smoking, Health and Social Care \(Scotland\) Act 2005 \(asp 13\)](#) (“the Act”).

Section 4(6) of the Act provides that regulations made under section 4(2) of the Act (which enables the Scottish Ministers to prescribe premises as “no-smoking premises” for the purposes of Part 1 of the Act) may define or elaborate the meaning of “premises”, “wholly or substantially enclosed”, “the public” and “has access”.

Section 4(8) of the Act gives the Scottish Ministers the power to amend the list in section 4(4) of the Act of the kind of premises which can be prescribed as no smoking premises.

Section 4(9) of the Act provides that regulations made under section 4(2) and (7) of the Act which define or elaborate the meaning of “premises” to include means of transport may provide as to how the statement referred to in section 3(1) of the Act is to be exercised. Section 3(1) of the Act stipulates that if notices are not conspicuously displayed in, on or near no smoking premises stating that the premises are no smoking premises, the person managing or attending the premises commits an offence.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force by the Smoking, Health and Social Care (Scotland) Act 2005 (Commencement No. 1) Order 2005 ([S.S.I. 2005/492](#)):-

<i>Provision</i>	<i>Date of Commencement</i>
Sections 11, 16, 28 to 32, 36 and 37	17th October 2005
Section 42(1) and (2) (partially)	17th October 2005
Paragraphs 1 and 2(1) of schedule 2	17th October 2005
Schedule 3 (partially)	17th October 2005
Sections 3(3) and 4(2), (3) and (7)	1st November 2005
Section 6 (partially)	1st November 2005
Section 38	1st November 2005
Section 42(1) and (2) (partially)	1st November 2005
Paragraphs 2, 4(1), 5(2) and 12 of schedule 1 (partially)	1st November 2005
Paragraph 2(19)(a)(iv) of schedule 2	1st November 2005
Schedule 3 (partially)	1st November 2005

Sections 1 to 10 of, and schedule 1 to, the Act will be brought into force by [S.S.I. 2005/492](#), in so far as not already in force, at 0600 hours on 26th March 2006. That Order also brings into force

section 35 of the Act on 19th December 2005 and sections 12, 13 and 42(1) (partially) of, and paragraph 2(19)(a)(ii) of schedule 2 to, the Act on 1st April 2006.