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SCOTTISH STATUTORY INSTRUMENTS

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**2010 No. 185 (C. 9)**

**NATIONAL HEALTH SERVICE**

**The Smoking, Health and Social Care (Scotland)  
Act 2005 (Commencement No. 6) Order 2010**

*Made - - - - 10th May 2010*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 40(1) and 43(3) and (4) of the Smoking, Health and Social Care (Scotland) Act 2005<sup>(1)</sup>.

**Citation and interpretation**

1. This Order may be cited as the Smoking, Health and Social Care (Scotland) Act 2005 (Commencement No. 6) Order 2010.

2. In this Order—

“the Act” means the Smoking, Health and Social Care (Scotland) Act 2005; and

“the 1978 Act” means the National Health Service (Scotland) Act 1978<sup>(2)</sup>.

**Appointed days**

3. The days appointed for the coming into force of the following provisions of the Act are:—

(a) 20th May 2010 for the provisions of the Act specified in column 1 of Schedule 1 to this Order but, those provisions shall only come into force on that date for the purpose specified in column 3 of that Schedule; and

(b) 2nd July 2010 for the provisions of the Act specified;

(i) in column 1 of Schedule 2 to this Order, in so far as those provisions are not already in force, but, where a particular purpose is specified in column 3 of that Schedule in relation to that provision, that provision shall only come into force for the purpose specified in that column; and

(ii) in the Table of Repeals in Schedule 2.

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(1) 2005 asp 13.

(2) 1978 c.29.

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St Andrew's House,  
Edinburgh  
10th May 2010

*SHONA ROBISON*  
Authorised to sign by the Scottish Ministers

## SCHEDULE 1

Article 3(a)

## Provision of the Act coming into force on 20th May 2010

Column 1 <i>Provision of the Act</i>	Column 2 <i>Subject matter</i>	Column 3 <i>Purpose</i>
Section 15	Arrangements for the provision of general dental services	Only for the purpose of enabling the Scottish Ministers to make regulations under the amended section 25(1) and substituted sections 25(2), (2A) and (2B) of the 1978 Act.
Section 17	Lists of persons undertaking to provide or approved to assist in the provision of general dental services	Only for the purpose of enabling the Scottish Ministers to make regulations under the amended section 25(1) and the substituted section 25(2), (2A) and (2B) of the 1978 Act.

## SCHEDULE 2

Article 3(b)

## Provisions of the Act coming into force on 2nd July 2010

<i>Column 1</i> <i>Provision of the Act</i>	<i>Column 2</i> <i>Subject matter</i>	<i>Column 3</i> <i>Purpose</i>
Section 15	Arrangements for the provision of general dental services	
Section 17	Lists of persons undertaking to provide or approved to assist in the provision of general dental services	
Section 26(2)(c)(ii)	Disqualification by the NHS Tribunal	Only for the purpose of substitution of section 29(6)(b) of the 1978 Act.
Section 26(2)(e)(ii)	Disqualification by the NHS Tribunal	For the purpose of substituting in section 29(8) of the 1978 Act, for paragraph (c) the new paragraph (c).
Section 26(3)(b)	Disqualification by the NHS Tribunal	
Section 26(3)(c)	Disqualification by the NHS Tribunal	Only for purposes in relation to the list referred to in section 29(8)(c) of the 1978 Act.

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Provision of the Act</i>	<i>Subject matter</i>	<i>Purpose</i>
Section 42(1) and (2)	Minor and consequential amendments and repeals	Only for the purposes of bringing into force the provisions of schedules 2 and 3 to the Act specified in this Schedule.
Schedule 2, paragraph 2(3), (16) and (19)(b), and paragraph 3(c)	Minor and consequential amendments	
Schedule 2, paragraph 2(15)	Minor and consequential amendments	Only for the purpose of substituting for the words from “any list” to the end of paragraph (c) in section 33 of the 1978 Act.
Schedule 3	Repeals	Only for the purposes of bringing into force the repeals specified in the table in this Schedule.

## TABLE

### REPEALS

<i>Enactment</i>	<i>Extent of repeal</i>
National Health Service (Scotland) Act 1978 (c.29).	In Schedule 8, paragraph 8(2A)
National Health Service and Community Care Act 1990 (c.19)	Section 40 and in schedule 9, paragraph 19(6)

## EXPLANATORY NOTE

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

This Order brings into force further provisions of the [Smoking, Health and Social Care \(Scotland\) Act 2005 \(asp 13\)](#) (“the Act”).

Article 3(a) appoints 20th May 2010 as the day for the coming into force of sections 15 (arrangements for the provision of general dental services) and 17 (lists of persons undertaking to provide or approved to assist in the provision of general dental services) of the Act, but only for the purpose of making regulations under the National Health Service (Scotland) Act 1978 (“the 1978 Act”).

Article 3(b) appoints 2nd July 2010 as the day for the coming into force of the remainder of sections 15 and 17, and for bringing into force section 26(3)(b) and schedule 2, paragraphs 2(3), (16) and 19(b), and 3(c) (minor and consequential amendments) to, the Act.

Article 3(b) also appoints 2nd July 2010 as the day for the coming into force of section 26(2)(c) (ii) and (e)(ii), 26(3)(c), sections 42(1) and (2) (bringing into force provisions in schedule 2) and schedule 2, paragraph 15 of the Act, but only for the purposes specified in column 3 of Schedule 2. The purposes specified in column 3 of Schedule 2 relate to the amendments made by section 17 of the Act to section 25(2) of the Act relating to the lists to be prepared and maintained by Health Boards of persons undertaking to provide or approved to assist in the provision of general dental services, or in the case of section 42 to the commencement of the commenced paragraphs of schedule 2 and 3 that are introduced by that section.

Article 3(b) also brings into force on 2nd July 2010 schedule 3 of the Act but only for the purpose of the repeals specified in the table to Schedule 2.

### 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 commencement order made before the date of this Order:—

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 11, 16, 28 to 32, 36 and 37	17th October 2005	<a href="#">2005/492</a>
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	<a href="#">2005/492</a>
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	
Section 4(6), (8) and (9)	16th December 2005	<a href="#">2005/642</a>
Section 35	19th December 2005	<a href="#">2005/492</a>
Section 4 (in so far as not already in force)	7th February 2006	<a href="#">2006/47</a>
Sections 12, 13, 19, 26 and 27 (all partially)	7th March 2006	<a href="#">2006/121</a>
Sections 1 to 10	26th March 2006	<a href="#">2005/492</a>
Schedule 1 (in so far as not already in force)	26th March 2006	
Sections 12 and 13 (both in so far as not already in force) and 42(1) (partially)	1st April 2006	<a href="#">2005/492</a>

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Paragraph 2(19)(a)(ii) of Schedule 2	1st April 2006	<a href="#">2005/492</a>
Sections 19, (in so far as not already in force), 26(1), (2)(a), (b), (c)(i), (d), (e)(i) and (f), (3)(a), (d) and (e), (4)(a) and (c), (5)(a), (6) and (7)(b) (ii) and (c), and 27 (in so far as not already in force)	1st April 2006	<a href="#">2006/121</a>
Section 26(2)(c)(ii) (partially)	1st April 2006	
Section 26(2)(e)(ii) (partially)	1st April 2006	
Section 26(3)(c) (partially)	1st April 2006	
Section 26(4)(b) (partially)	1st April 2006	
Section 26(7)(d) (partially)	1st April 2006	
Schedule 2, paragraph 2(5), (10) to (14) and (20)	1st April 2006	
Schedule 3 (partially)	1st April 2006	
Section 42(2) (partially)	1st April 2007	<a href="#">2007/218</a>
Schedule 3 (partially)	1st April 2007	