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## EXPLANATORY NOTE

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

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

- Article 3(a) appoints 17th October 2005 as the day for the coming into force of sections 11 (relating to vision screening), section 16 (relating to the provision of assistance and support to persons providing general dental services), section 28 (which makes provision for payments to certain persons infected with Hepatitis C as a result of NHS treatment etc), sections 29, 30, 31, and 32, (which make amendments to the Regulation of Care (Scotland) Act 2001), section 36 (which makes provision for appeals under the Public Health (Scotland) Act 1897, section 37 (which makes provision with relation to joint ventures) and section 42(1) and (2) (minor and consequential amendments and repeals) but only for the purpose of bringing into force the minor amendments in paragraphs 1 and 2(1) of schedule 2 of the Act and the repeal of the Mental Health (Care and Treatment) (Scotland) Act 2003 in schedule 3 of the Act.
- Article 3(b) appoints 1st November 2005 as the day for the coming into force of section 38, section 42(1) (so far as relating to paragraph 19(a)(iv) of schedule 2) and paragraph 2(19)(a) (iv) of schedule 2 (Scottish hospitals endowments research trust). Article 3(b) also appoints 1st November 2005 as the day for the coming into force of sections 3(3), 4(2), 4(3), 4(7) and 6 and paragraphs 2, 4(1), 5(2) and 12 of Schedule 1, but only for the purpose of enabling regulations to be made under those provisions (which relate to smoking, prohibition and control). Article 3(b) also appoints 1st November 2005 as the day for the coming into force of section 42(2) (minor and consequential repeals) but only for the purpose of bringing into force the repeal of the provisions of the Public Finance and Accountability (Scotland) Act 2000, the Ethical Standards in Public Life etc. (Scotland) Act 2000 and the Freedom of Information (Scotland) Act 2002 in schedule 3 of the Act.
- Article 3(c) appoints 19th December 2005 as the day for the coming into force of section 35 (amendment of Adults with Incapacity (Scotland) Act 2000: authorisation of medical treatment).
- Article 3(d) appoints 0600 hours on 26th March 2006 as the day and hour for the coming into force of sections 1 to 10 (in so far as not already in force) (which relate to smoking, prohibition and control) and schedule 1 (which relate to the fixed penalties for offences under sections 1, 2 and 3).
- Article 3(e) appoints 1st April 2006 as the day for the coming into force of section 12 (free oral health assessments and dental examinations), section 13 (free eye examinations and sight tests) and section 42(1) (in so far as relating to schedule 2, paragraph 2(19)(a)(ii) and schedule 2, paragraph 2(19)(a)(ii) (amendment of the definition of general medical services contract).