

2017 No. 294 (C. 22)

PUBLIC HEALTH

**The Health (Tobacco, Nicotine etc. and Care) (Scotland) Act
2016 (Commencement No. 2) Regulations 2017**

<i>Made</i>	- - - -	<i>12th September 2017</i>
<i>Laid before the Scottish Parliament</i>		<i>14th September 2017</i>
<i>Coming into force</i>	- -	<i>1st October 2017</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 36(2) and (3) of the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016(a).

Citation and commencement

1. These Regulations may be cited as the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 (Commencement No. 2) Regulations 2017 and come into force on 1st October 2017.

Appointed day

2.—(1) Subject to paragraph (2), the day appointed for the coming into force of the provisions of the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 specified in column 1 of the schedule (the subject matter of which is described in column 2 of the schedule) is 1st October 2017.

(2) Where a purpose is specified in column 3 of that schedule, a provision mentioned in column 1 comes into force in accordance with paragraph (1) only for that purpose.

AILEEN CAMPBELL

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
12th September 2017

SCHEDULE

Regulation 2

<i>Column 1</i> <i>Provisions of the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016</i>	<i>Column 2</i> <i>Subject matter</i>	<i>Column 3</i> <i>Purpose</i>
Section 21	Incident which activates duty of candour procedure	Only for the purpose of enabling regulations to be made.
Section 22	Duty of candour procedure	Only for the purpose of enabling regulations to be made.
Section 23	Apologies	Only for the purpose of enabling regulations to be made under Part 2 of the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016.
Section 25(1)	Interpretation of Part 2	Only for the purpose of enabling regulations to be made under Part 2 of the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016.
Section 26	Care worker offence	
Section 27	Care provider offence	
Section 28	Meaning of “care worker” and “care provider” etc.	
Section 29	Disclosure of conviction for offence under section 26	
Section 30	Power to order offence to be remedied or publicised	
Section 31	Remedial and publicity orders: prosecutor’s right of appeal	
Section 32	Penalty for ill-treatment and wilful neglect of mentally disordered person	

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force provisions in Part 2 (duty of candour) and Part 3 (ill-treatment and wilful neglect) of the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 (“the Act”) on 1st October 2017.

The Part 2 provisions are brought into force for the purpose of making regulations setting out the duty of candour procedure.

The whole of Part 3 is commenced.

Sections 34, 35, 36 and 37 of the Act came into force on 7th April 2016, which was the day after Royal Assent.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Act were brought into force by commencement regulations made before the date of these Regulations:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1	6th February 2017	2017/12
Section 2 for the purpose of making regulations	6th February 2017	2017/12
Section 2 for all other purposes	1st April 2017	2017/12
Section 3	1st April 2017	2017/12
Section 4 for the purpose of making regulations	6th February 2017	2017/12
Section 4 for all other purposes	1st April 2017	2017/12
Sections 5 to 7	1st April 2017	2017/12
Section 8 for the purpose of making regulations	6th February 2017	2017/12
Section 8 for all other purposes	1st April 2017	2017/12
Section 9(1) for the purpose of making regulations	6th February 2017	2017/12
Section 9(1) for all other purposes	1st April 2017	2017/12
Section 9(2), (3) and (4)	1st April 2017	2017/12
Section 10 for the purpose of making regulations	6th February 2017	2017/12
Section 10 for all other purposes	1st October 2017	2017/12
Section 11	1st October 2017	2017/12
Section 12	1st April 2017	2017/12
Section 13	6th February 2017	2017/12
Section 14	1st April 2017	2017/12
Section 15(1), (2), (9), (10) and (11)	1st April 2017	2017/12

Section 15(3), (4), (5), (6), (7) and (8)

1st October 2017

2017/12

Section 16

6th February 2017

2017/12

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