



# Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016

2016 asp 14

## PART 3

### ILL-TREATMENT AND WILFUL NEGLECT

#### *Remedial orders and publicity orders*

#### **31 Remedial and publicity orders: prosecutor's right of appeal**

- (1) The Criminal Procedure (Scotland) Act 1995 is amended in accordance with this section.
- (2) In section 108 (Lord Advocate's right of appeal against disposal)—
  - (a) in subsection (1), after paragraph (cd) insert—
    - “(ce) a decision under section 30(2) of the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 not to make a remedial order,
    - (cf) a decision under section 30(2) of that Act not to make a publicity order,”
  - (b) in subsection (2)(b)(ii), for the words “or (cd)” substitute “, (cd), (ce) or (cf)”.
- (3) In section 175 (right of appeal from summary proceedings)—
  - (a) in subsection (4), after paragraph (cd) insert—
    - “(ce) a decision under section 30(2) of the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 not to make a remedial order,
    - (cf) a decision under section 30(2) of that Act not to make a publicity order,”
  - (b) in subsection (4A)(b)(ii), for “or (cd)” substitute “, (cd), (ce) or (cf)”.

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**Changes to legislation:** *There are currently no known outstanding effects for the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016, Section 31. (See end of Document for details)*

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**Commencement Information**

**II** S. 31 in force at 1.10.2017 by [S.S.I. 2017/294](#), reg. 2, **sch.**

**Changes to legislation:**

There are currently no known outstanding effects for the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016, Section 31.