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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2022 No.**

**The Prohibition of Smoking Outside Hospital  
Buildings (Scotland) Regulations 2022**

**Buildings that are not hospital buildings**

**6.—(1)** Buildings of the following description are not hospital buildings for the purposes of Part 1 of the Act, that is buildings that are not—

- (a) used for the reception and treatment of persons suffering from illness,
- (b) a maternity home,
- (c) used for the reception and treatment of persons during convalescence or persons requiring medical rehabilitation,
- (d) used for providing dental treatment and maintained in connection with a dental school,
- (e) a clinic, dispensary or out-patient department maintained in connection with any building falling within sub-paragraphs (a) to (d),
- (f) used to provide a corridor, walkway or other link between buildings used for any of the purposes mentioned in sub-paragraphs (a) to (e).

(2) In this regulation “illness” includes—

- (a) mental disorder within the meaning of section 328 (meaning of “mental disorder”) of the Mental Health (Care and Treatment) (Scotland) Act 2003<sup>(1)</sup>, and
- (b) any injury or disability requiring medical or dental treatment or nursing.