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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 404 (C. 31)**

**PUBLIC HEALTH**

**The Public Health etc. (Scotland) Act 2008 (Commencement No. 3, Consequential Provisions and Revocation) Order 2009**

*Made - - - - 17th November 2009*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 122(2) and 128(2) of the Public Health etc. (Scotland) Act 2008<sup>(1)</sup>.

**Citation and interpretation**

1.—(1) This Order may be cited as the Public Health etc. (Scotland) Act 2008 (Commencement No. 3, Consequential Provisions and Revocation) Order 2009.

(2) In this Order “the Act” means the Public Health etc. (Scotland) Act 2008.

**Commencement of provisions of the Act and consequential repeal and revocation**

2.—(1) The provision of the Act specified in column (1) of schedule 1 (the subject matter of which is mentioned in column (2)) comes into force on 1st December 2009.

(2) The amendment of the enactment specified in schedule 2 comes into force on 1st December 2009.

(3) The provisions of the Act specified in column (1) of schedule 3 (the subject matter of each provision being mentioned in column (2)) come into force on 1st January 2010.

(4) The consequential repeal and revocation specified in schedule 4 come into force on 1st January 2010.

**Revocation**

3. Article 3(d) of the Public Health etc. (Scotland) Act 2008 (Commencement No. 2, Savings and Consequential Provisions) Order 2009<sup>(2)</sup> is revoked on 1st December 2009.

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(1) 2008 asp 5.  
(2) S.S.I. 2009/319.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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St Andrew's House, Edinburgh  
17th November 2009

*SHONA ROBISON*  
Authorised to sign by the Scottish Ministers

## SCHEDULE 1

Article 2(1)

## PROVISIONS OF THE ACT COMING INTO FORCE ON 1ST DECEMBER 2009

<i>Column (1)</i>	<i>Column (2)</i>
<i>Provision of the Act</i>	<i>Subject matter</i>
Part 8, in so far as not already in force	Regulation of provision of sunbeds.

## SCHEDULE 2

Article 2(2)

## AMENDMENT TO ENACTMENT, COMING INTO FORCE ON 1ST DECEMBER 2009

**The Local Government, Planning and Land Act 1980**

In section 159(1)(b) of the Local Government, Planning and Land Act 1980, for “Parts II or V of the Public Health (Scotland) Act 1897 (which respectively make similar provision for Scotland)” substitute “Part 5 of the Public Health etc. (Scotland) Act 2008 (public health functions of local authorities)”.

## SCHEDULE 3

Article 2(3)

## PROVISIONS OF THE ACT COMING INTO FORCE ON 1ST JANUARY 2010

<i>Column (1)</i>	<i>Column (2)</i>
<i>Provision of the Act</i>	<i>Subject matter</i>
Part 2	Notifiable diseases, notifiable organisms and health risk states.
section 126 in so far as it relates to the provisions of schedule 3 mentioned below	Repeals, revocations and savings.
schedule 1	List of notifiable diseases and notifiable organisms
Part 1 of schedule 3 in so far as it relates to the Public Health (Scotland) Act 1897 (c.38) section 32, the Infectious Disease (Notification) Act 1889 (c.72), the Health Services and Public Health Act 1968 (c.46), section 71A(a) and (c), the National Health Service (Scotland) Act 1972 (c.58) section 53	Repeals.
Part 2 of schedule 3 in so far as it relates to the National Health Service (Designated Medical Officers) (Scotland) Regulations	Revocations

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<i>Column (1)</i>	<i>Column (2)</i>
<i>Provision of the Act</i>	<i>Subject matter</i>
1974 (S.I. 1974/470) and the Public Health (Notification of Infectious Diseases) (Scotland) Regulations 1988 (S.I. 1988/1550)(3)	

## SCHEDULE 4

Article 2(4)

CONSEQUENTIAL REPEAL AND REVOCATION  
COMING INTO FORCE ON 1ST JANUARY 2010

## PART 1

## CONSEQUENTIAL REPEAL

<i>Enactment</i>	<i>Extent of Repeal</i>
Town and Country Planning (Scotland) Act 1997 (c.8)	Section 275(7)(a)

## PART 2

## CONSEQUENTIAL REVOCATION

<i>Enactment</i>	<i>Extent of Repeal</i>
Public Health (Notification of Infectious Diseases) (Scotland) Amendment Regulations 1989 (S.I. 1989/2250)	The whole Regulations

## EXPLANATORY NOTE

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

This Order brings into force further provisions of the Public Health (etc.) Scotland Act 2008 (“the Act”).

Article 2(1) and schedule 1 bring Part 8 of the Act (regulation of provision of sunbeds) into force on 1st December 2009 in so far as it is not already in force.

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(3) Part 2 of schedule 3 to the Public Health Act 2008 wrongly cites the Public Health (Notification of Infectious Diseases) (Scotland) Regulations 1988 as S.I. 1988/132. The correct number is S.I. 1998/1550.

Article 2(2) and schedule 2 make a consequential amendment to the Local Government, Planning and Land Act 1980. In consequence, a savings provision included in the Public Health etc. (Scotland) Act 2008 (Commencement No. 2, Savings and Consequential Provisions) Order 2009 is revoked by article 3 at the same time.

Article 2(3) and schedule 3 bring Part 2 (notifiable diseases, notifiable organisms and health risk states) and Schedule 1 (list of notifiable diseases and notifiable organisms) of the Act into force on 1st January 2010, together with various repeals and revocations.

Article 2(4) and schedule 4 bring a further repeal and revocation into force on 1st January 2010. The repeal of section 275(7)(a) of the Town and Country Planning (Scotland) Act 1997 is consequential on the repeal of section 32 of the Public Health (Scotland) Act 1897. [The Public Health \(Notification of Infectious Diseases\) \(Scotland\) Amendment Regulations 1989/2250](#) are revoked in consequence of the commencement of Part 2 of the Act.

### NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
sections 109 to 115	26th January 2009	<a href="#">2009/09</a>
section 125		
schedule 2		
section 3 (partially)	1st April 2009	<a href="#">2009/09</a>
section 5 (partially)		
sections 87 to 89		
section 94		
section 100 (partially)		
section 101 (partially)		
section 116		
section 121		
section 124		
section 126 (partially)		
schedule 3 (partially)		
Part 1 (in so far as not already in force)	1st October 2009	<a href="#">2009/319</a>
Parts 3 to 5		
Part 6 (in so far as not already in force)		
sections 117 to 120		
section 123		
section 126 (partially)		
section 127		
schedule 3 (partially)		

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