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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 9 (C. 3)**

**PUBLIC HEALTH**

The Public Health etc. (Scotland) Act  
2008 (Commencement No. 1) Order 2009

Made - - - - 14th January 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(1).

**Citation and interpretation**

1.—(1) This Order may be cited as the Public Health etc. (Scotland) Act 2008 (Commencement No. 1) Order 2009.

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

**Appointed days**

2. The days appointed for the coming into force of the following provisions of the Act are—

- (a) 26th January 2009 for the provisions of the Act specified in column (1) of Schedule 1 (the subject matter of each provision being mentioned in column (2));
- (b) 1st April 2009 for the provisions of the Act specified in column (1) of Schedule 2 (the subject matter of each provision being mentioned in column (2)).

St Andrew’s House, Edinburgh  
14th January 2009

*MICHAEL W RUSSELL*  
Authorised to sign by the Scottish Ministers

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**Status:** This is the original version (as it was originally made).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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## SCHEDULE 1

Article 2(a)

## PROVISIONS OF THE ACT COMING INTO FORCE ON 26TH JANUARY 2009

<i>Column (1)</i> <i>Provision of the Act</i>	<i>Column (2)</i> <i>Subject matter</i>
Section 109	Insect nuisance
Section 110	Artificial light nuisance
Section 111	Statutory nuisance: land covered with water
Section 112	Power to make further provision regarding statutory nuisances
Section 113	Enforcement of statutory nuisances: fixed penalty notice
Section 114	Procedure for regulations
Section 115	Sewerage nuisance: local authority powers
Section 125	Minor and consequential amendments
Schedule 2	Minor and consequential amendments relating to the Public Works Loans Act 1887(2), the Children and Young Persons (Scotland) Act 1937(3), the Prevention of Damage by Pests Act 1949(4), the Pests Act 1954(5), the Offices, Shops and Railway Premises Act 1963(6) and the Statutory Nuisance (Appeals) (Scotland) Regulations 1996(7)

## SCHEDULE 2

Article 2(b)

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

<i>Column (1)</i> <i>Provision of the Act</i>	<i>Column (2)</i> <i>Subject matter</i>
Section 3 for the purpose of enabling Regulations under subsections (4) and (5) to be made	Designation of competent persons by health boards
Section 5 for the purpose of enabling Regulations under subsections (4) and (5) to be made	Designation of competent persons by local authorities
Section 87	Provision of mortuaries by local authorities

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- (2) 1887 c. 37.  
(3) 1937 c. 37.  
(4) 1949 c. 55.  
(5) 1954 c. 68.  
(6) 1963 c. 41.  
(7) S.I. 1996/1076.

<i>Column (1)</i> <i>Provision of the Act</i>	<i>Column (2)</i> <i>Subject matter</i>
Section 88	Provision of mortuaries by health boards
Section 89	Co-operation by local authorities and health boards
Section 94	International travel
Section 100 for the purpose of enabling Regulations under subsection (5) to be made	Duty to provide information to sunbed users
Section 101 for the purpose of enabling Regulations under subsection (4) to be made	Duty to display information notice
Section 116	Equal opportunities
Section 121	Form of applications etc.
Section 124	Interpretation
Section 126 in so far as it relates to the provision of schedule 3 to the Act mentioned below	Repeals, revocations and saving
Schedule 3 in so far as it relates to sections 68, 70 and 71 of the Public Health (Scotland) Act 1897 <sup>(8)</sup>	Power of local authority to provide mortuaries, power of local authority to provide places for post-mortem examinations, power to sanitary authorities to unite for providing mortuary

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## EXPLANATORY NOTE

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

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

Article 2(a) and Schedule 1 bring sections 109-115 which comprise Part 9 of the Act into force on 26th January 2009. Part 9 makes changes to the statutory nuisance provisions in the Environmental Protection Act 1990 (c. 43) in respect of Scotland. Part 9 also amends section 26 of the Water Services etc. (Scotland) Act 2005 (asp 3) in respect of sewerage nuisance. Article 2(a) and Schedule 1 also bring section 125 and schedule 2 into force. These make minor and consequential amendments to the Statutory Nuisance (Appeals) (Scotland) Regulations 1996 (S.I.1996/1076) and other legislation.

Article 2(b) and Schedule 2 bring certain provisions into force on 1st April 2009 including:

- (a) sections 3 and 5 of the Act which relate to the designation of competent persons by health boards and local authorities for the purpose of making regulations only;
- (b) sections 87-89 of the Act relating to the provision of mortuaries;

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<sup>(8)</sup> 1897 (c. 38 60 and 61 Vict.).

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- (c) section 94 which enables the Scottish Ministers to make Regulations to give effect to the International Health Regulations (as defined in section 94(6)) or any other international agreements relating to the spread of infectious disease or contamination;
- (d) certain provisions relating to regulation of the provision of sunbeds for the purposes of making Regulations only;
- (e) certain miscellaneous provisions in Part 10 of the Act;
- (f) the repeal of sections 68, 70 and 71 of the Public Health (Scotland) Act 1897 (c. 38 60 and 61 Vict.).