

2022 No. 43 (C. 4)

PUBLIC HEALTH

**The Health (Tobacco, Nicotine etc. and Care) (Scotland) Act
2016 (Commencement No. 5) Regulations 2022**

<i>Made</i>	- - - -	<i>7th February 2022</i>
<i>Laid before the Scottish Parliament</i>		<i>9th February 2022</i>
<i>Coming into force</i>	- -	<i>1st March 2022</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. 5) Regulations 2022 and come into force on 1 March 2022.

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 the day specified in column 3 of the schedule.

(2) Where a purpose is specified in column 4 of that schedule, a provision mentioned in column 1 comes into force in accordance with paragraph (1) only for that purpose.

MAREE TODD

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
7th February 2022

SCHEDULE

Regulation 2

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Provision of the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016</i>	<i>Subject matter</i>	<i>Appointed day</i>	<i>Purpose</i>
Section 20	Smoking outside hospitals	2 March 2022	So far as is necessary to enable the Scottish Ministers to lay and make regulations under sections 4C(4) and 4D(2), (4) and (5) and paragraph 4(1) of schedule 1 of the Smoking, Health and Social Care (Scotland) Act 2005(a).
Section 20	Smoking outside hospitals	5 September 2022	For all other purposes.

(a) 2005 asp 13.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force section 20 (smoking outside hospitals) of the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 (“the Act”).

Regulation 2 and the schedule provide that the day appointed for that section to come into force is—

- (a) 2 March 2022, so far as is necessary to enable the Scottish Ministers to lay and make regulations under sections 4C(4) and 4D(2), (4) and (5) and paragraph 4(1) of schedule 1 of the Smoking, Health and Social Care (Scotland) Act 2005,
- (b) 5 September 2022 for all other purposes.

The Bill for the Act received Royal Assent on 6 April 2016. Sections 34, 35, 36 and 37 of the Act came into force the following day.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 have been brought into force by commencement regulations made before the date of these Regulations:

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

<i>Provision</i>	<i>Date of Commencement</i>	<i>Instrument No.</i>
Section 14	1 April 2017	S.S.I. 2017/12
Section 15(1) and (2)	1 April 2017	S.S.I. 2017/12
Section 15(3), (4), (5), (6), (7) and (8)	1 October 2017	S.S.I. 2017/12
Section 15(9), (10) and (11)	1 April 2017	S.S.I. 2017/12
Section 16	6 February 2017	S.S.I. 2017/12
Section 21 for the purpose of making regulations	1 October 2017	S.S.I. 2017/294
Section 22 for the purpose of making regulations	1 October 2017	S.S.I. 2017/294
Section 23 for the purpose of making regulations	1 October 2017	S.S.I. 2017/294
Section 25(1) for the purpose of making regulations	1 October 2017	S.S.I. 2017/294
Sections 21 to 25, for all other purposes	1 April 2018	S.S.I. 2018/56
Sections 26 to 32	1 October 2017	S.S.I. 2017/294
Section 33	19 March 2018	S.S.I. 2018/26

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