

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(a).

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(b) is revoked on 1st December 2009.

SHONA ROBISON

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
17th November 2009

(a) 2008 asp 5.
(b) S.S.I. 2009/319.

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>
<p>Part 2</p> <p>section 126 in so far as it relates to the provisions of schedule 3 mentioned below</p> <p>schedule 1</p> <p>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</p> <p>Part 2 of schedule 3 in so far as it relates to the National Health Service (Designated Medical Officers) (Scotland) Regulations 1974 (S.I. 1974/470) and the Public Health (Notification of Infectious Diseases) (Scotland) Regulations 1988 (S.I. 1988/1550)(a)</p>	<p>Notifiable diseases, notifiable organisms and health risk states.</p> <p>Repeals, revocations and savings.</p> <p>List of notifiable diseases and notifiable organisms</p> <p>Repeals.</p> <p>Revocations</p>

(a) 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.

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.

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 section 125 schedule 2	26th January 2009	2009/09
section 3 (partially) 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)	1st April 2009	2009/09
Part 1 (in so far as not already in force) 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)	1st October 2009	2009/319

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