

# SCHEDULES

## SCHEDULE 2

Article 8

### Consequential Amendments

## PART 1

### Acts

#### **The Ethical Standards in Public Life etc. (Scotland) Act 2000**

- 1.—(1) The Ethical Standards in Public Life etc. (Scotland) Act 2000(1) is amended as follows.
- (2) In paragraph 1 of schedule 3 (devolved public bodies)—
- (a) omit the entry for “NHS Health Scotland”, and
  - (b) after “The Poverty and Inequality Commission” insert “Public Health Scotland”.

#### **Commencement Information**

- I1** Sch. 2 para. 1(2)(a) in force at 1.4.2020, see [art. 1\(3\)\(b\)](#)
- I2** Sch. 2 para. 1(2)(b) in force at 7.12.2019, see [art. 1\(2\)](#)

#### **The Freedom of Information (Scotland) Act 2002**

- 2.—(1) The Freedom of Information (Scotland) Act 2002(2) is amended as follows.
- (2) In Part 4 (the national health service) of schedule 1 (Scottish public authorities)—
- (a) omit paragraph 32B, and
  - (b) after paragraph 35 insert—

- (1) 2000 asp 7. Relevantly amended by the Water Industry (Scotland) Act 2002 (asp 3), schedule 7, paragraph 28, the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4), schedule 4, paragraph 15, the Water Services etc. (Scotland) Act 2005 (asp 3), schedule 5, paragraph 6(e), the Further and Higher Education (Scotland) Act 2005 (asp 6), schedule 3, paragraph 9, the Gaelic Language (Scotland) Act 2005 (asp 7), schedule 2, paragraph 1, the Charities and Trustee Investment (Scotland) Act 2005 (asp 10), schedule 4, paragraph 12, the Transport (Scotland) Act 2005 (asp 12), schedule 1, paragraph 17, the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), schedule 3, paragraph 1, the Tourist Boards (Scotland) Act 2006 (asp 15), schedule 2, paragraph 6, the Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5), schedule 5, paragraph 4, the Judiciary and Courts (Scotland) Act 2008 (asp 6), schedule 1, paragraph 19, the Public Services Reform (Scotland) Act 2010 (asp 8), schedule 1, paragraph 28, schedule 10, paragraph 1, schedule 14, paragraph 1 and schedule 17, paragraph 24, the Crofting Reform (Scotland) Act 2010 (asp 14), schedule 4, paragraph 4, the Housing (Scotland) Act 2010 (asp 17), schedule 2, paragraph 6, the National Library of Scotland Act 2012 (asp 3), schedule 2, paragraph 4, the Police and Fire Reform (Scotland) Act 2012 (asp 8), schedule 1, paragraph 14, schedule 7, paragraph 61 and schedule 8, paragraph 1, the Post-16 Education (Scotland) Act 2013 (asp 12), schedule 1, paragraph 4, the Revenue Scotland and Tax Powers Act 2014 (asp 16), schedule 4, paragraph 4, the Historic Environment (Scotland) Act 2014 (asp 19), schedule 6, paragraph 1, the Food (Scotland) Act 2015 (asp 1), section 17(1), the Community Justice (Scotland) Act 2016 (asp 10), schedule 1, paragraph 14(1) and schedule 2, paragraph 3, the Scottish Fiscal Commission Act 2016 (asp 17), section 29(1), the Land Reform (Scotland) Act 2016 (asp 18), section 21(1), the Child Poverty (Scotland) Act 2017 (asp 6), schedule 1, paragraph 13(1), the Social Security (Scotland) Act 2018 (asp 9), schedule 1, paragraph 18, S.I. 2012/1659, S.S.I. 2002/201, S.S.I. 2003/1, S.S.I. 2003/119, S.S.I. 2003/279, S.S.I. 2004/543, S.S.I. 2009/286, S.S.I. 2011/113, S.S.I. 2015/157, S.S.I. 2017/36 and S.S.I. 2018/148.
- (2) 2002 asp 13. Relevantly amended by S.S.I. 2008/297.

**Changes to legislation:** There are currently no known outstanding effects for the The Public Health Scotland Order 2019, SCHEDULE 2. (See end of Document for details)

“35A. Public Health Scotland.”

**Commencement Information**

**I3** Sch. 2 para. 2 in force at 1.4.2020, see art. 1(3)(b)

**The Public Appointments and Public Bodies etc. (Scotland) Act 2003**

3.—(1) The Public Appointments and Public Bodies etc. (Scotland) Act 2003(3) is amended as follows.

(2) In schedule 2 (the specified authorities) under the heading “National Health Service bodies”, in the entry for “any Special Health Board” omit paragraph (iv) and the “or” immediately preceding it.

**Commencement Information**

**I4** Sch. 2 para. 3 in force at 1.4.2020, see art. 1(3)(b)

**The Civil Contingencies Act 2004**

4.—(1) The Civil Contingencies Act 2004(4) is amended as follows.

(2) In Part 4 (category 2 responders: Scotland) of schedule 1 (category 1 and 2 responders), after paragraph 38 insert—

“38A. Public Health Scotland constituted by the Public Health Scotland Order 2019(5).”.

**Commencement Information**

**I5** Sch. 2 para. 4 in force at 1.4.2020, see art. 1(3)(b)

**The Local Electoral Administration and Registration Services (Scotland) Act 2006**

5.—(1) The Local Electoral Administration and Registration Services (Scotland) Act 2006(6) is amended as follows.

(2) In section 57 (keeping of central register for health and local authority purposes)—

(a) in subsection (1) after “Health Boards,” insert “Public Health Scotland,” and

(b) in subsection (2)(b) after “Health Board” insert “, Public Health Scotland”.

**Commencement Information**

**I6** Sch. 2 para. 5 in force at 1.4.2020, see art. 1(3)(b)

(3) 2003 asp 4. Relevantly amended by the Public Services Reform (Scotland) Act 2010 (asp 8), schedule 17, paragraph 26, S.S.I. 2005/540, S.S.I. 2010/50 and S.S.I. 2018/299.

(4) 2004 c.36.

(5) S.S.I. 2019/336.

(6) 2006 asp 14. Relevantly amended by the Statistics and Registration Service Act 2007 (c. 18), section 60(2).

### **The Public Health etc. (Scotland) Act 2008**

- 6.—(1) The Public Health etc. (Scotland) Act 2008(7) is amended as follows.
- (2) In section 15 (notifiable diseases and health risk states: duties on health boards)—
- (a) in subsection (1) after “common services agency”, insert “and Public Health Scotland”, and
  - (b) in subsection (5)(a) after “common services agency”, insert “and Public Health Scotland”.
- (3) In section 16(5) (notifiable organisms: duties on directors of diagnostic laboratories)—
- (a) in paragraph (a) omit “and”,
  - (b) in paragraph (b) for “agency.” substitute “agency; and”, and
  - (c) after paragraph (b) insert—  
“**(c)** Public Health Scotland.”.
- (4) In section 21(2) (public health investigations) after paragraph (c) insert—  
“**(ca)** Public Health Scotland;”.

#### **Commencement Information**

**17** Sch. 2 para. 6 in force at 1.4.2020, see [art. 1\(3\)\(b\)](#)

### **The Certification of Death (Scotland) Act 2011**

- 7.—(1) The Certification of Death (Scotland) Act 2011(8) is amended as follows.
- (2) In section 24(1)(b) (fees in respect of medical reviewer functions) for “the Common Services Agency for the Scottish Health Service” substitute “Public Health Scotland”.
- (3) In section 31 (interpretation) after the definition of “medical reviewer” insert—  
““Public Health Scotland” means the Special Health Board of that name constituted by the Public Health Scotland Order 2019(9);”.

#### **Commencement Information**

**18** Sch. 2 para. 7 in force at 1.4.2020, see [art. 1\(3\)\(b\)](#)

### **The Islands (Scotland) Act 2018**

- 8.—(1) The Islands (Scotland) Act 2018(10) is amended as follows.
- (2) In the schedule (duties in relation to island communities: relevant authorities)—
- (a) Omit paragraph 49, and
  - (b) After paragraph 57 insert—  
“**57A.** Public Health Scotland.”.

(7) 2008 asp 5.

(8) 2011 asp 11.

(9) S.S.I. 2019/336.

(10) 2018 asp 12.

**Commencement Information****I9** Sch. 2 para. 8 in force at 1.4.2020, see [art.](#)**PART 2****Enactments other than Acts of Parliament****The Abortion (Scotland) Regulations 1991****9.**—(1) The Abortion (Scotland) Regulations 1991(**11**) are amended as follows.

(2) In regulation 5(a) (restriction on disclosure of information) for “the Common Services Agency for the Scottish Health Service” substitute “Public Health Scotland”.

**Commencement Information****I10** Sch. 2 para. 9 in force at 1.4.2020, see [art. 1\(3\)\(b\)](#)**The National Health Service Central Register (Scotland) Regulations 2006****10.**—(1) The National Health Service Central Register (Scotland) Regulations 2006(**12**) are amended as follows.

(2) In schedule 1 (additional information which may be contained in an entry in, and obtained from persons or places to create and maintain, the register), in the table, in entry 4(a)(i) in column (1), for “the Common Services Agency” substitute “Public Health Scotland”.

**Commencement Information****I11** Sch. 2 para. 10 in force at 1.4.2020, see [art. 1\(3\)\(b\)](#)**The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009****11.**—(1) The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009(**13**) are amended as follows.

(2) In paragraph 6(6)(a)(iv) (duties of drivers, escort commanders, masters, carriers and consignors in the event of a radiation emergency) of part 1 (radiation emergencies) of schedule 2 (radiation emergencies and notifiable events) for “Health Protection Scotland” substitute “Public Health Scotland”.

**Commencement Information****I12** Sch. 2 para. 11 in force at 1.4.2020, see [art. 1\(3\)\(b\)](#)**(11)** S.I. 1991/460. Relevantly amended by S.I. 1999/1042.**(12)** S.S.I. 2006/484. Relevantly amended by S.I. 2013/235.**(13)** S.I. 2009/1348. Relevantly amended by S.I. 2019/598.

### **The Public Water Supplies (Scotland) Regulations 2014**

12.—(1) The Public Water Supplies (Scotland) Regulations 2014<sup>(14)</sup> are amended as follows.

(2) In regulation 38(1)(c) (notification of health risk events) for “Health Protection Scotland” substitute “Public Health Scotland”.

#### **Commencement Information**

I13 Sch. 2 para. 12 in force at 1.4.2020, see art. 1(3)(b)

### **The Climate Change (Duties of Public Bodies: Reporting Requirements) (Scotland) Order 2015**

13.—(1) The Climate Change (Duties of Public Bodies: Reporting Requirements) (Scotland) Order 2015<sup>(15)</sup> is amended as follows.

(2) In schedule 1 (listed bodies) under the heading “National health service” after “NHS Education for Scotland” insert “Public Health Scotland”.

#### **Commencement Information**

I14 Sch. 2 para. 13 in force at 1.4.2020, see art. 1(3)(b)

### **The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018**

14.—(1) The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018<sup>(16)</sup> are amended as follows.

(2) In paragraph 7(c) (storage of vaccines) of schedule 6 (other contractual terms) for “Health Protection Scotland” substitute “Public Health Scotland”.

#### **Commencement Information**

I15 Sch. 2 para. 14 in force at 1.4.2020, see art. 1(3)(b)

### **The National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2018**

15.—(1) The National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2018<sup>(17)</sup> are amended as follows.

(2) In paragraph 5(c) (storage of vaccines) of schedule 1 (content of agreements) for “Health Protection Scotland” substitute “Public Health Scotland”.

#### **Commencement Information**

I16 Sch. 2 para. 15 in force at 1.4.2020, see art. 1(3)(b)

<sup>(14)</sup> S.S.I. 2014/364.

<sup>(15)</sup> S.S.I. 2015/347.

<sup>(16)</sup> S.S.I. 2018/66.

<sup>(17)</sup> S.S.I. 2018/67.

**Changes to legislation:** There are currently no known outstanding effects for the The Public Health Scotland Order 2019, SCHEDULE 2. (See end of Document for details)

## **The Radiation (Emergency Preparedness and Public Information) Regulations 2019**

**16.**—(1) The Radiation (Emergency Preparedness and Public Information) Regulations 2019(**18**) are amended as follows.

(2) In regulation 10(5)(f)(ii) (operator’s emergency plan) for “Health Protection Scotland” substitute “Public Health Scotland”.

(3) In regulation 11(5)(g)(ii) (local authority’s off-site emergency plan) for “Health Protection Scotland” substitute “Public Health Scotland”.

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### **Commencement Information**

**I17** Sch. 2 para. 16 in force at 1.4.2020, see **art. 1(3)(b)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Public Health Scotland Order 2019, SCHEDULE 2.