



# Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016

2016 asp 14

## PART 2

### DUTY OF CANDOUR

#### *Interpretation*

#### 25 Interpretation of Part 2

(1) In this Part—

“the 1978 Act” means the National Health Service (Scotland) Act 1978,

“care service” has the meaning given by section 47(1) of the Public Services Reform (Scotland) Act 2010, except that it does not include a service mentioned in paragraph (k) of that section (child minding),

“health service” means—

- (a) services under the health service continued under section 1 of the 1978 Act, and
- (b) an independent health care service mentioned in section 10F(1) of the 1978 Act,

“provide” in relation to a health service, a care service and a social work service means to carry on or manage such a service,

“registered health professional” means a member of a profession to which section 60(2) of the Health Act 1999 applies,

“responsible person” means—

- (a) a Health Board constituted under section 2(1) of the 1978 Act,
- (b) a person (other than an individual) who has entered into a contract, agreement or arrangement with a Health Board to provide a health service,
- (c) the Common Services Agency for the Scottish Health Service constituted under section 10(1) of the 1978 Act,
- (d) a person (other than an individual) providing an independent health care service mentioned in section 10F(1) of the 1978 Act,

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*Status: This is the original version (as it was originally enacted).*

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- (e) a local authority,
  - (f) a person (other than an individual) who provides a care service,
  - (g) an individual who provides a care service and who employs, or has otherwise made arrangements with, other persons to assist with the provision of that service (unless the assistance in providing that service is merely incidental to the carrying out of other activities),
  - (h) a person (other than an individual) who provides a social work service, “social work services” has the meaning given by section 48 of the Public Services Reform (Scotland) Act 2010.
- (2) The Scottish Ministers may by regulations modify the definition of “responsible person” in subsection (1).