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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 319**

**The Public Health etc. (Scotland) Act 2008 (Commencement No. 2, Savings and Consequential Provisions) Order 2009**

**Citation and interpretation**

1.—(1) This Order may be cited as the Public Health etc. (Scotland) Act 2008 (Commencement No. 2, Savings and Consequential Provisions) Order 2009.

(2) In this Order—

“the 2008 Act” means the Public Health etc. (Scotland) Act 2008; and

“the 1897 Act” means the Public Health (Scotland) Act 1897(1).

**Commencement of provisions of the 2008 Act and consequential amendments and repeals**

2. The following provisions of the 2008 Act come into force on 1st October 2009—

- (a) the provisions specified in column (1) of Schedule 1 (the subject matter of each provision being mentioned in column 2) in so far as not already in force;
- (b) the amendments of enactments specified in Schedule 2;
- (c) the consequential repeals and revocations specified in Schedule 3.

**Savings**

3. Despite the repeal of the 1897 Act by Part 1 of schedule 3 to the 2008 Act—

- (a) section 72(2) of the 1897 Act continues to have effect for the purposes of section 313(1) of the Housing (Scotland) Act 1987(3) (byelaws with respect to houses in multiple occupation);
- (b) section 166(4) of the 1897 Act continues to have effect for the purposes of section 34(3) (b) of the Mines and Quarries (Tips) Act 1969(5) (protection of local authorities);
- (c) the definition of “owner” in section 3(1) of the 1897 Act continues to have effect for the purposes of section 18(1) of the Compensation (Defence) Act 1939(6) (application of Act to Scotland); and
- (d) Parts II and V of the 1897 Act continue to have effect for the purposes of section 159(1) (b) of the Local Government, Planning and Land Act 1980(7).

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(1) 1897 c.38.

(2) 1897 c.38; section 72 was extended by section 169(1) of the Housing Act 1966 (c.49) and sections 313 and 335 of the Housing (Scotland) Act 1987 (c.26).

(3) 1987 c.26.

(4) 1897 c.38; section 166 was amended by the Schedule to the Law Reform (Limitation of Actions etc.) Act 1954 (c.36).

(5) 1969 c.10; section 34 was amended by paragraphs 3(a) and (b) of schedule 6 to the Building (Scotland) Act 2003 (asp 8).

(6) 1939 c.75; section 18(1) was amended by the Consumer Credit Act 1974 (c.39), s192(3)(b), Schedule 5 Pt. 1.

(7) 1980 c.65; section 159(1)(b).

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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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St Andrew's House,  
Edinburgh  
17th September 2009

*SHONA ROBISON*  
Authorised to sign by the Scottish Ministers