
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force provisions of the Public Health etc. (Scotland) Act 2008 (“the Act”).

- Article 2(a) and Schedule 1 bring sections 109-115 which comprise Part 9 of the Act into force on 26th January 2009. Part 9 makes changes to the statutory nuisance provisions in the Environmental Protection Act 1990 (c. 43) in respect of Scotland. Part 9 also amends section 26 of the [Water Services etc. \(Scotland\) Act 2005 \(asp 3\)](#) in respect of sewerage nuisance. Article 2(a) and Schedule 1 also bring section 125 and schedule 2 into force. These make minor and consequential amendments to the Statutory Nuisance (Appeals) (Scotland) Regulations 1996 (S.I.1996/1076) and other legislation.
- Article 2(b) and Schedule 2 bring certain provisions into force on 1st April 2009 including:
 - (a) sections 3 and 5 of the Act which relate to the designation of competent persons by health boards and local authorities for the purpose of making regulations only;
 - (b) sections 87-89 of the Act relating to the provision of mortuaries;
 - (c) section 94 which enables the Scottish Ministers to make Regulations to give effect to the International Health Regulations (as defined in section 94(6)) or any other international agreements relating to the spread of infectious disease or contamination;
 - (d) certain provisions relating to regulation of the provision of sunbeds for the purposes of making Regulations only;
 - (e) certain miscellaneous provisions in Part 10 of the Act;
 - (f) the repeal of sections 68, 70 and 71 of the Public Health (Scotland) Act 1897 (c. 38 60 and 61 Vict.).