
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 372 (C. 23)

PUBLIC HEALTH

**The Tobacco and Primary Medical Services (Scotland)
Act 2010 (Commencement No. 2) Order 2010**

Made - - - - 25th October 2010

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 40(2) and 43(3) of the Tobacco and Primary Medical Services (Scotland) Act 2010⁽¹⁾.

Citation and interpretation

1.—(1) This Order may be cited as the Tobacco and Primary Medical Services (Scotland) Act 2010 (Commencement No. 2) Order 2010.

(2) In this Order—

“the 2010 Act” means the Tobacco and Primary Medical Services (Scotland) Act 2010;

“the 1978 Act” means the National Health Service (Scotland) Act 1978⁽²⁾.

Appointed days

2. The days appointed for the coming into force of the following provisions of the 2010 Act are:—

(a) 8th November 2010 for the provisions specified in column 1 of the table in Schedule 1 to this Order (the subject matter of which is specified in column 2 of that table) but those provisions come into force on that date only for the purpose specified in column 3 of that table;

(b) 22nd December 2010 for the provisions specified in column 1 of the table in Schedule 2 to this Order (the subject matter of which is specified in column 2 of that table), in so far as those provisions are not already in force.

(1) 2010 asp 3.
(2) 1978 c.29.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

St Andrew's House,
Edinburgh
25th October 2010

NICOLA STURGEON
A member of the Scottish Executive

SCHEDULE 1

Article 2(a)

Provisions of the 2010 Act coming into force on 8th November 2010

Column 1	Column 2	Column 3
<i>Provision of the Act</i>	<i>Subject matter</i>	<i>Purpose</i>
Section 38	Section 17C arrangements: persons with whom agreements can be made	Only for the purpose of enabling the Scottish Ministers to make regulations under the inserted section 17CA(1), (5), (6) and (7) of the 1978 Act.
Section 39	Eligibility to be contractor under general medical services contract	Only for the purpose of enabling the Scottish Ministers to make regulations under the substituted section 17L(1), (5), (6) and (7) of the 1978 Act.

SCHEDULE 2

Article 2(b)

Provisions of the 2010 Act coming into force on 22nd December 2010

Column 1	Column 2
<i>Provision of the Act</i>	<i>Subject matter</i>
Section 37	Contractual arrangements for the provision of primary medical services
Section 38	Section 17C arrangements: persons with whom agreements can be made
Section 39	Eligibility to be contractor under general medical services contract

EXPLANATORY NOTE

(This note is not part of the Order)

Sections 40, 41, 42 and 43 of the Tobacco and Primary Medical Services (Scotland) Act 2010 (“the 2010 Act”) came into force on Royal Assent.

The commencement of section 41 which gave effect to Schedule 2 to the 2010 Act must be read subject to the Tobacco and Primary Medical Services (Scotland) Act 2010 (Ancillary Provisions) Order 2010 ([S.S.I. 2010/77](#)) (“the Ancillary Order”) which provides that the modifications in that Schedule shall not take effect until the coming into force for all purposes of specified sections of the 2010 Act.

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This Order brings into force the provisions in Part 2 of the 2010 Act.

Article 2(a) and Schedule 1 to this Order set out a table specifying that sections 38 and 39 of the 2010 Act are to come into force on 8th November 2010 but only for the limited purpose of allowing Scottish Ministers to exercise a power to make subordinate legislation. Article 2(b) and Schedule 2 to this Order set out a further table specifying that sections 37, 38 and 39 of the 2010 Act are to come into force on 22nd December 2010 to the extent that they are not already in force.

In terms of the Ancillary Order, section 17D of the 1978 Act is amended as specified in paragraph 6 of Schedule 2 to the 2010 Act on the coming into force for all purposes of section 38 of the 2010 Act on 22nd December 2010. Similarly, paragraph (c) of section 2(3) of the Primary Medical Services (Scotland) Act 2004 is repealed as specified in paragraph 7 of that Schedule on the coming into force for all purposes of section 38 of the 2010 Act on 22nd December 2010.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the 2010 Act have been brought into force or will be brought into force by commencement order made before the date of this Order:—

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 4 (partially)	24th October 2010	2010/345
Section 4	1st April 2011	
Section 5	1st April 2011	
Section 6	1st April 2011	
Section 7	1st April 2011	
Section 8 (partially)	24th October 2010	
Section 8	1st April 2011	
Section 10	1st April 2011	
Section 11 (partially)	24th October 2010	
Section 11	1st April 2011	
Section 12	1st April 2011	
Section 13	1st April 2011	
Section 14	1st April 2011	
Section 15	1st October 2011	
Section 16	1st October 2011	
Section 17	1st October 2011	
Section 18	1st October 2011	
Section 19 (partially)	24th October 2010	
Section 19	1st October 2011	
Section 20	1st October 2011	
Section 21	1st October 2011	

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 22	1st October 2011	
Section 23	1st October 2011	
Section 24	24th October 2010	
Section 25	1st April 2011	
Section 26	1st April 2011	
Section 27 (partially)	24th October 2010	
Section 27	1st April 2011	
Sections 28, 29, 30, 31 and 32	1st April 2011	
Sections 33, 34, 35 and 36	1st April 2011	
Schedule 1 (partially)	24th October 2010	
Schedule 1	1st April 2011	