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SCOTTISH STATUTORY INSTRUMENTS

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**2022 No. 43 (C. 4)**

**PUBLIC HEALTH**

**The Health (Tobacco, Nicotine etc. and Care) (Scotland)  
Act 2016 (Commencement No. 5) Regulations 2022**

<i>Made</i>	- - - -	<i>7th February 2022</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>9th February 2022</i>
<i>Coming into force</i>	- -	<i>1st March 2022</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 36(2) and (3) of the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016<sup>(1)</sup>.

**Citation and commencement**

1. These Regulations may be cited as the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 (Commencement No. 5) Regulations 2022 and come into force on 1 March 2022.

**Appointed day**

2.—(1) Subject to paragraph (2), the day appointed for the coming into force of the provisions of the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 specified in column 1 of the schedule (the subject matter of which is described in column 2 of the schedule) is the day specified in column 3 of the schedule.

(2) Where a purpose is specified in column 4 of that schedule, a provision mentioned in column 1 comes into force in accordance with paragraph (1) only for that purpose.

St Andrew's House,  
Edinburgh  
7th February 2022

*MAREE TODD*  
Authorised to sign by the Scottish Ministers

**Status:** This is the original version (as it was originally made).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

## SCHEDULE

Regulation 2

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Provision of the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016</i>	<i>Subject matter</i>	<i>Appointed day</i>	<i>Purpose</i>
Section 20	Smoking hospitals	outside 2 March 2022	So far as is necessary to enable the Scottish Ministers to lay and make regulations under sections 4C(4) and 4D(2), (4) and (5) and paragraph 4(1) of schedule 1 of the Smoking, Health and Social Care (Scotland) Act 2005(2).
Section 20	Smoking hospitals	outside 5 September 2022	For all other purposes.

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations bring into force section 20 (smoking outside hospitals) of the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 (“the Act”).

Regulation 2 and the schedule provide that the day appointed for that section to come into force is—

- (a) 2 March 2022, so far as is necessary to enable the Scottish Ministers to lay and make regulations under sections 4C(4) and 4D(2), (4) and (5) and paragraph 4(1) of schedule 1 of the Smoking, Health and Social Care (Scotland) Act 2005,
- (b) 5 September 2022 for all other purposes.

The Bill for the Act received Royal Assent on 6 April 2016. Sections 34, 35, 36 and 37 of the Act came into force the following day.

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(2) 2005 asp 13.

**NOTE AS TO EARLIER COMMENCEMENT REGULATIONS***(This note is not part of the Regulations)*

The following provisions of the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 have been brought into force by commencement regulations made before the date of these Regulations:

<i>Provision</i>	<i>Date of Commencement</i>	<i>Instrument No.</i>
Section 1	6 February 2017	<a href="#">S.S.I. 2017/12</a>
Section 2 for the purpose of making regulations	6 February 2017	<a href="#">S.S.I. 2017/12</a>
Section 2 for all other purposes	1 April 2017	<a href="#">S.S.I. 2017/12</a>
Section 3	1 April 2017	<a href="#">S.S.I. 2017/12</a>
Section 4 for the purpose of making regulations	6 February 2017	<a href="#">S.S.I. 2017/12</a>
Section 4 for all other purposes	1 April 2017	<a href="#">S.S.I. 2017/12</a>
Sections 5 to 7	1 April 2017	<a href="#">S.S.I. 2017/12</a>
Section 8 for the purpose of making regulations	6 February 2017	<a href="#">S.S.I. 2017/12</a>
Section 8 for all other purposes	1 April 2017	<a href="#">S.S.I. 2017/12</a>
Section 9(1) for the purpose of making regulations	6 February 2017	<a href="#">S.S.I. 2017/12</a>
Section 9(1) for all other purposes	1 April 2017	<a href="#">S.S.I. 2017/12</a>
Section 9(2), (3) and (4)	1 April 2017	<a href="#">S.S.I. 2017/12</a>
Section 10 for the purpose of making regulations	6 February 2017	<a href="#">S.S.I. 2017/12</a>
Section 10 for all other purposes	1 October 2017	<a href="#">S.S.I. 2017/12</a>
Section 11	1 October 2017	<a href="#">S.S.I. 2017/12</a>
Section 12	1 April 2017	<a href="#">S.S.I. 2017/12</a>
Section 13	6 February 2017	<a href="#">S.S.I. 2017/12</a>
Section 14	1 April 2017	<a href="#">S.S.I. 2017/12</a>
Section 15(1) and (2)	1 April 2017	<a href="#">S.S.I. 2017/12</a>
Section 15(3), (4), (5), (6), (7) and (8)	1 October 2017	<a href="#">S.S.I. 2017/12</a>
Section 15(9), (10) and (11)	1 April 2017	<a href="#">S.S.I. 2017/12</a>
Section 16	6 February 2017	<a href="#">S.S.I. 2017/12</a>
Section 21 for the purpose of making regulations	1 October 2017	<a href="#">S.S.I. 2017/294</a>
Section 22 for the purpose of making regulations	1 October 2017	<a href="#">S.S.I. 2017/294</a>

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<i>Provision</i>	<i>Date of Commencement</i>	<i>Instrument No.</i>
Section 23 for the purpose of making regulations	1 October 2017	<a href="#">S.S.I. 2017/294</a>
Section 25(1) for the purpose of making regulations	1 October 2017	<a href="#">S.S.I. 2017/294</a>
Sections 21 to 25, for all other purposes	1 April 2018	<a href="#">S.S.I. 2018/56</a>
Sections 26 to 32	1 October 2017	<a href="#">S.S.I. 2017/294</a>
Section 33	19 March 2018	<a href="#">S.S.I. 2018/26</a>