Draft Order laid before Parliament under section 115 of, and paragraphs 1, 2 and 3 of Schedule 7 to, the Scotland Act 1998 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2006 No.

CONSTITUTIONAL LAW
DEVOLUTION, SCOTLAND
NATIONAL HEALTH SERVICE, SCOTLAND

The Smoking, Health and Social Care (Scotland) Act 2005 (Consequential Modifications) (England, Wales and Northern Ireland) Order 2006

Made - - - - 2006

Coming into force in accordance with article 1(2)

The Secretary of State makes the following Order in exercise of the powers conferred by sections 104, 112(1) and 113 of the Scotland Act 1998(**1**);

In accordance with section 115 of, and paragraphs 1, 2 and 3 of Schedule 7 to, that Act, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) This Order may be cited as the Smoking, Health and Social Care (Scotland) Act 2005 (Consequential Modifications) (England, Wales and Northern Ireland) Order 2006.

(2) This Order shall come into force on as follows–

(a) this article shall come into force on the day after the day on which this Order is made;

(b) article 2 and the Schedule shall, subject to sub paragraph (c), come into force on the day on which section 20 of the Smoking, Health and Social Care (Scotland) Act 2005(**2**) comes into force; and

(c) paragraph 5(c) of the Schedule and article 2, for the purposes of paragraph 5(c) of the Schedule, shall come into force on the later of the day after the day on which this Order is made or the day on which regulations made under section 26(2) of the National Health

(**1**) 1998 c. 46.
(**2**) 2005 asp 13.

Service (Scotland) Act 1978(**3**), as substituted by section 19 of the Smoking, Health and Social Care (Scotland) Act 2005, come into force.

(3) This Order does not extend to Scotland.

(4) Subject to paragraph (3), the modifications in the Schedule have the same extent as the provisions being modified.

Modifications

2. The modifications in the Schedule have effect.

Parliamentary Under Secretary of State Scotland Office, Department for Constitutional Affairs

Dover House,London
2006

(**3**) 1978 c. 29.

SCHEDULE Article 2

PART 1

MODIFICATION OF PUBLIC GENERAL ACTS

Health Services and Public Health Act 1968 (c. 46)

1.—(1) The Health Services and Public Health Act 1968 is amended as follows.

(2) In section 59 (extension of power of user by Crown of patented invention to user for certain health services)(**4**)–

(a) in subsection (1), after "local pharmaceutical services," insert "pharmaceutical care services,";

(b) in subsection (2), omit "pharmaceutical services or"; and

(c) after subsection (2C) insert–

"(2D) In subsection (1), the reference to pharmaceutical care services is a reference to pharmaceutical care services provided under Part 1 of the National Health Service (Scotland) Act 1978.".

(3) In section 63(2)(aa) (provision of instruction for officers of hospital authorities and other persons employed, or contemplating employment, in certain activities associated with health or welfare)(**5**), after "primary medical service" in the second place where it appears, insert "or pharmaceutical care service".

(4) In section 64(4) (financial assistance by the Minister of Health and the Secretary of State to certain voluntary organisations)(**6**) after "section 2C" insert "or 2CA".

Patents Act 1977(c. 37)

2. In section 56(4)(a) of the Patents Act 1977 (interpretation, etc., of provisions about Crown use)(**7**)–

(a) in sub paragraph (i), omit "pharmaceutical services or"; and

(b) after sub paragraph (iii) add–

"; or

(iiia) pharmaceutical care services under Part 1 of the National Health Service (Scotland) Act 1978,".

(**4**) Section 59 was amended by S.I.1969/388; the National Health Service Act 1977 (c. 49), Schedule 15, paragraph 44; the National Health Service (Scotland) Act 1978 (c. 29) ("the 1978 Act"), Schedule 16, paragraph 26(1); the National Health Service (Primary Care) Act 1997 (c. 46) ("the 1997 Act"), Schedule 2, paragraph 1(2); the Health and Social Care Act 2001 (c. 15) ("the 2001 Act"), Schedule 5, paragraph 1(2); the Health and Social Care (Community Health and Standards) Act 2003 (c. 43) ("the 2003 Act"), Schedule 11, paragraph 3; and S.I. 2004/957.

(**5**) Section 63(2)(aa) was inserted by the 2003 Act, Schedule 11, paragraph 4(a) and amended by S.I. 2004/957.

(**6**) Section 64(4) was amended by the National Health Service (Scotland) Act 1972 (c. 58), Schedule 6, paragraph 36; the 1978 Act, Schedule 16, paragraph 27 and Schedule 17; and S.I. 2004/957.

(**7**) Section 56(4) was amended by the 1997 Act, Schedule 2, paragraph 2 and the 2003 Act, Schedule 5, paragraph 4. Section 56(4)(a) is to be read with S.I. 2004/288 and S.I. 2005/2925 for England and S.I. 2004/480 (W.49) and S.I. 2006/345 (W.42) for Wales.