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## **Health, Social Care and Sport Committee**

# **The Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 (Supplementary Provision) Regulations 2022 [draft]**



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# Health, Social Care and Sport Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Health and Social Care and matters relating to drugs policy.



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# Introduction

1. This report sets out the Health, Social Care and Sport Committee's consideration of a Scottish Statutory Instrument (SSI) at its meeting on 28 June 2022. The minutes of the meeting have been published on the Committee's webpages. The Official Report of the meeting will be published on the Committee's webpages in due course.

# The Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 (Supplementary Provision) Regulations 2022 [draft]

2. The Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 (Supplementary Provision) Regulations 2022 [draft] were laid on 6 June 2022. The instrument is subject to the affirmative procedure (Rule 10.6).
3. The policy note states that the purpose of the instrument is to ensure that Environmental Health Officers are able to issue fixed penalty notices in respect of the offence of smoking in a no-smoking area outside a hospital building and the offence of failing to comply with signage requirements at entrances to hospital buildings, regarding the no-smoking area outside those buildings.
4. The Delegated Powers and Law Reform (DPLR) Committee considered the instrument at its meeting on [21 June 2022](#). The DPLR Committee agreed that it did not need to draw the Parliament's attention to the instrument on any grounds within its remit.
5. It is for the Health, Social Care and Sport Committee to recommend to the Parliament whether the Regulations should be approved.
6. The Minister for Public Health, Women's Health and Sport, Maree Todd, has, by motion [S6M-04798](#), proposed that the Committee recommends approval of the Regulations.
7. The Committee took evidence from the Minister for Public Health, Women's Health and Sport on the instrument at its meeting on [28 June 2022](#). During the session, Members raised wider points on the use of electronic cigarettes (e-cigarettes), and other vaping devices. A full record of the debate is available in the Official Report of the session.
8. Following the evidence session, the Minister moved motion S6M-04798—That the Health, Social Care and Sport Committee recommends that the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 (Supplementary Provision) Regulations 2022 [draft] be approved.
9. The motion was agreed to without division or dissent.
10. The Health, Social Care and Sport Committee recommends to the Scottish Parliament that the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 (Supplementary Provision) Regulations 2022 [draft] be approved.

