



Tobacco and Primary Medical Services (Scotland) Act 2010

2010 asp 3

TOBACCO AND PRIMARY MEDICAL SERVICES (SCOTLAND) ACT 2010

PART 1

TOBACCO AND NICOTINE VAPOUR PRODUCTS ETC.

CHAPTER 1

DISPLAY, SALE AND PURCHASE

Display of tobacco products etc.

- 1 Prohibition of tobacco displays etc.
- 2 Displays which are also advertisements
- 3 Regulation of display of prices

Sale and purchase of tobacco and nicotine vapour products

- 4 Sale of tobacco products to persons under 18
- 4A Sale of nicotine vapour products to persons under 18
- 4B Age verification policy
- 4C Sale of tobacco or nicotine vapour products by persons under 18
- 4D Defence of due diligence for certain offences
- 5 Purchase of tobacco products by persons under 18
- 6 Purchase of tobacco products on behalf of persons under 18
- 6A Purchase of nicotine vapour products on behalf of persons under 18

Miscellaneous

- 7 Confiscation of tobacco products from persons under 18
- 8 Display of warning statements
- 9 Prohibition of vending machines for the sale of tobacco products

CHAPTER 2

REGISTER OF TOBACCO AND NICOTINE VAPOUR PRODUCT RETAILERS

Establishment

- 10 Register of tobacco and nicotine vapour product retailers

Registration

- 11 Application for registration and addition of premises etc.
12 Certificates of registration

Changes to register

- 13 Duty to notify certain changes
14 Changes to and removal from Register

Tobacco and nicotine vapour product banning orders

- 15 Tobacco and nicotine vapour product banning orders
16 Tobacco and nicotine vapour product banning orders: ancillary orders
17 Tobacco and nicotine vapour product banning orders etc.: appeals
18 Tobacco and nicotine vapour product banning orders etc.: notification to Scottish Ministers
19 Tobacco and nicotine vapour product banning orders: display of notices

Offences

- 20 Offences relating to the Register

Register of tobacco and nicotine vapour product retailers: miscellaneous and supplementary

- 21 Public inspection of Register
22 Council access to Register
23 Delegation of functions relating to Register
24 Vehicles, vessels and moveable structures

CHAPTER 3

ENFORCEMENT AND FIXED PENALTIES

Enforcement

- 25 Enforcement
26 Programmes of enforcement

Fixed penalties

- 27 Fixed penalties

Powers of entry etc.

- 28 Powers of entry etc.
29 Warrants for entry
30 Powers of entry and warrants for entry: supplementary
31 Obstruction, etc. of council officers

Changes to legislation: There are currently no known outstanding effects for the Tobacco and Primary Medical Services (Scotland) Act 2010. (See end of Document for details)

- 32 Powers of entry: constables

CHAPTER 4

MISCELLANEOUS AND SUPPLEMENTARY

- 33 Presumption as to contents of container
34 Offences by bodies corporate etc.
35 Interpretation of Part 1
35A Meaning of “nicotine vapour product”
36 Crown application

PART 2

PRIMARY MEDICAL SERVICES

- 37 Contractual arrangements for the provision of primary medical services
38 Section 17C arrangements: persons with whom agreements can be made
39 Eligibility to be contractor under general medical services contract

PART 3

GENERAL PROVISION

- 40 Orders and regulations
41 Minor and consequential modifications
42 Ancillary provision
43 Short title and commencement

SCHEDULE 1 — Fixed penalties

Preliminary

- 1 In this schedule, unless the context requires otherwise— “notice” means...

Content of fixed penalty notice

- 2 (1) A notice must give reasonable particulars of the circumstances...

Period in which notice can be given

- 3 A notice may not be given after such time relating...

Amount of penalty

- 4 (1) The— (a) amount of the fixed penalty, and

Deadlines for payment

- 5 (1) The payment deadline is the first working day at...

Method of payment

- 6 The fixed penalty (and the discounted payment amount) is payable—...

Changes to legislation: There are currently no known outstanding effects for the Tobacco and Primary Medical Services (Scotland) Act 2010. (See end of Document for details)

Restriction on proceedings and effect of payment

- 7 (1) The earliest date that proceedings for the offence may...

Withdrawal of fixed penalty notice

- 8 (1) A recipient of a notice may make representations to...

Effect of prosecution on fixed penalty notice

- 9 Where proceedings for an offence in respect of which a...

General and supplemental

- 10 The Scottish Ministers may make regulations about—
11 (1) The Scottish Ministers may prescribe— (a) the form of...

SCHEDULE 2 — Minor and consequential modifications
Part 1 — TOBACCO PRODUCTS ETC.

Children and Young Persons (Scotland) Act 1937 (c.37)

- 1 Section 18 of the Children and Young Persons (Scotland) Act...

Children and Young Persons (Protection from Tobacco) Act 1991 (c.23)

- 2 The Children and Young Persons (Protection from Tobacco) Act 1991...

Tobacco Advertising and Promotion Act 2002 (c.36)

- 3 In section 6(1)(a) of the Tobacco Advertising and Promotion Act...
4 In section 8 of that Act— (a) in subsection (1),...

Smoking, Health and Social Care (Scotland) Act 2005 (asp 13)

- 5 Section 9 of the Smoking, Health and Social Care (Scotland)...
Part 2 — PRIMARY MEDICAL SERVICES

National Health Service (Scotland) Act 1978 (c.29)

- 6 (1) Section 17D of the National Health Service (Scotland) Act...

Primary Medical Services (Scotland) Act 2004 (asp 1)

- 7 In section 2(3) of the Primary Medical Services (Scotland) Act...

Changes to legislation:

There are currently no known outstanding effects for the Tobacco and Primary Medical Services (Scotland) Act 2010.