



Smoking, Health and Social Care (Scotland) Act 2005

2005 asp 13

PART 1

SMOKING: PROHIBITION AND CONTROL

1 Offence of permitting others to smoke in no-smoking premises

- (1) A person who, having the management or control of no-smoking premises, knowingly permits another to smoke there commits an offence.
- (2) A person accused of an offence under this section is to be regarded as having knowingly permitted another to smoke in no-smoking premises if that person ought to have known that the other person was smoking there.
- (3) It is a defence for an accused charged with an offence under this section to prove—
 - (a) that the accused (or any employee or agent of the accused) took all reasonable precautions and exercised all due diligence not to commit the offence; or
 - (b) that there were no lawful and reasonably practicable means by which the accused could prevent the other person from smoking in the no-smoking premises.
- (4) A person guilty of an offence under this section is liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.