



Tobacco and Primary Medical Services (Scotland) Act 2010

2010 asp 3

PART 1

[^{F1}TOBACCO AND NICOTINE VAPOUR PRODUCTS ETC.]

CHAPTER 1

[^{F1}DISPLAY, SALE AND PURCHASE]

Display of tobacco products etc.

1 Prohibition of tobacco displays etc.

- (1) A person who in the course of business displays or causes to be displayed tobacco products or smoking related products in a place where tobacco products are offered for sale commits an offence.
- (2) A person does not commit an offence under subsection (1) if the display—
 - (a) is in a specialist tobacconist,
 - (b) does not include cigarettes or hand-rolling tobacco, and
 - (c) complies with any prescribed requirements.
- (3) A person does not commit an offence under subsection (1) if—
 - (a) the tobacco products or smoking related products are displayed in the course of a business involving the sale of tobacco products only to persons who carry on a tobacco business (or their employees), and
 - (b) the display complies with any prescribed requirements.
- (4) The Scottish Ministers may provide in regulations that no offence is committed under subsection (1) in relation to a display of tobacco products or smoking related products which complies with requirements specified in the regulations.

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

- (5) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (6) For the purposes of subsection (1), a website is not a place.
- (7) In subsection (2), “specialist tobacconist” has the meaning given by section 6(2) of the Tobacco Advertising and Promotion Act 2002 (c.36).

Annotations:

Commencement Information

- I1** S. 1 in force at 6.4.2015 in so far as not already in force by
[S.S.I. 2013/38](#)
 ,
[art. 2](#)
- I2** S. 1 in force at 26.2.2013 for specified purposes and for further specified purposes 29.4.2013 by
[S.S.I. 2013/38](#)
 ,
[art. 2\(a\)\(b\)](#)

2 Displays which are also advertisements

The Scottish Ministers may by regulations provide that a display of tobacco products or smoking related products which also amounts to an advertisement is to be treated for the purposes of offences under this Act and the Tobacco Advertising and Promotion Act 2002—

- (a) as an advertisement and not as a display, or
 (b) as a display and not as an advertisement.

Annotations:

Commencement Information

- I3** S. 2 in force at 6.4.2015 in so far as not already in force by
[S.S.I. 2013/38](#)
 ,
[art. 2](#)
- I4** S. 2 in force at 26.2.2013 for specified purposes and for further specified purposes 29.4.2013 by
[S.S.I. 2013/38](#)
 ,
[art. 2\(a\)\(b\)](#)

3 Regulation of display of prices

- (1) The Scottish Ministers may by regulations impose requirements in relation to the display in the course of business of prices of tobacco products or smoking related products in a place where tobacco products are offered for sale.
- (2) For the purposes of subsection (1), a website is not a place but the regulations may otherwise provide for the meaning of “place” in that subsection.

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

- (3) A person who displays or causes to be displayed prices of tobacco products or smoking related products in breach of a requirement contained in the regulations commits an offence.
- (4) A person guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (5) The regulations may provide that a display of prices which also amounts to an advertisement is to be treated for the purposes of offences under this Act and the Tobacco Advertising and Promotion Act 2002—
 - (a) as an advertisement and not as a display of prices, or
 - (b) as a display of prices and not as an advertisement.

Annotations:

Commencement Information

I5 S. 3 in force at 6.4.2015 in so far as not already in force by
[S.S.I. 2013/38](#)

,

[art. 2](#)

I6 S. 3 in force at 26.2.2013 for specified purposes and for further specified purposes 29.4.2013 by
[S.S.I. 2013/38](#)

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[art. 2\(a\)\(b\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Tobacco and Primary Medical Services (Scotland) Act 2010, Cross Heading: Display of tobacco products etc..