



# Tobacco and Primary Medical Services (Scotland) Act 2010

## 2010 asp 3

### PART 1

[<sup>F1</sup>TOBACCO AND NICOTINE VAPOUR PRODUCTS ETC.]

### CHAPTER 1

[<sup>F1</sup>DISPLAY, SALE AND PURCHASE]

*Miscellaneous*

#### 7 **Confiscation of tobacco products from persons under 18**

- (1) Where a constable has reasonable grounds for suspecting that a person in a public place—
  - (a) is under the age of 18, and
  - (b) is in possession of a tobacco product or cigarette papers,the constable may require the person to surrender the tobacco product or, as the case may be, the cigarette papers to the constable.
- (2) A constable making a requirement under subsection (1) may also require the person to supply the constable with the person's name and address.
- (3) Where a constable makes a requirement under subsection (1) the constable must inform the person concerned—
  - (a) of the constable's suspicion, and
  - (b) of the fact that failure to comply with a requirement made under subsection (1) or (2) is an offence.

<sup>F1</sup>(4) .....

- (5) A person who fails to comply with a requirement made under subsection (1) or (2) commits an offence.

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

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- (6) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (7) The constable may dispose of any tobacco product or cigarette papers surrendered to the constable in such manner as the constable considers appropriate.
- (8) In this section “public place” includes—
- (a) any place to which the public have access for the time being (whether on payment of a fee or otherwise), and
  - (b) any place to which the public do not have access but to which the person mentioned in subsection (1) has unlawfully gained access.

**Annotations:**

**Amendments (Textual)**

- F1** S. 7(4) repealed (25.1.2018) by Criminal Justice (Scotland) Act 2016 (asp 1), s. 117(2), **sch. 2 para. 23**; S.S.I. 2017/345, art. 3, sch.

**Commencement Information**

- I1** S. 7 in force at 1.4.2011 by S.S.I. 2010/345, art. 2, **Sch.**

## 8 Display of warning statements

- (1) A person who carries on a tobacco business must display a notice in accordance with subsection (2) in any premises where that business is carried on.
- (2) The notice must—
- (a) contain the following statement— “ It is illegal to sell tobacco products to anyone under the age of 18 ”, and
  - (b) be displayed in a prominent position in the premises where the statement is readily visible to persons at the point of sale of the tobacco products.
- (3) A person who fails, without reasonable excuse, to comply with subsection (1) commits an offence.
- (4) A person guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) The Scottish Ministers may prescribe the dimensions of the notice to be displayed in accordance with this section and the size of the statement to be displayed on it.

**Annotations:**

**Commencement Information**

- I2** S. 8 in force at 24.10.2010 for specified purposes and 1.4.2011 in so far as not already in force by S.S.I. 2010/345, art. 2, **Sch.**

## 9 Prohibition of vending machines for the sale of tobacco products

- [<sup>F2</sup>(1) A person who has the management or control of premises on which a vending machine is available for use commits an offence.

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

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- (2) 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.
- (3) In this section, “vending machine” means an automatic machine for the sale of tobacco [<sup>F3</sup>or nicotine vapour] products (regardless of whether the machine also sells other products).]

**Annotations:**

**Amendments (Textual)**

- F2** S. 9 repealed and re-enacted (20.3.2013) by [The Tobacco and Primary Medical Services \(Scotland\) Act 2010 \(Incidental Provision and Commencement No. 4\) Order 2013 \(S.S.I. 2013/106\)](#), [art. 1\(1\), 2\(2\)\(3\)](#)
- F3** Words in s. 9(3) inserted (25.1.2018) by [The Sale of Nicotine Vapour Products \(Vending Machines\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/422\)](#), regs. 1, 2

**Commencement Information**

- I3** S. 9 in force at 29.4.2013 by [S.S.I. 2013/106](#), [art. 3](#)

**Changes to legislation:**

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