
STATUTORY INSTRUMENTS

2006 No. 1115

**The Smoking, Health and Social Care (Scotland)
Act 2005 and the Prohibition of Smoking in
Certain Premises (Scotland) Regulations 2006
(Consequential Provisions) (Scotland) Order 2006**

Application of the 2005 Act and the 2006 Regulations

3.—(1) In this article a “relevant ship” is a ship—

- (a) to which section 85 of the Merchant Shipping Act 1995(1) applies;
- (b) which is being used—
 - (i) for the purposes of a ferry service,
 - (ii) as licensed premises within the meaning of section 147(1) of the Licensing (Scotland) Act 2005(2),
 - (iii) as a passenger ship, or
 - (iv) primarily for the purpose of the sale or consumption of food or beverages;
- (c) which, in the case of a ship other than a United Kingdom ship, is operating in Scotland; and
- (d) which is not on an exempted voyage.

(2) The definition of “vehicle” in regulation 1(2) of the 2006 Regulations has effect as if it included a reference to a relevant ship, and the 2006 Regulations have effect accordingly.

(3) The following provisions of the 2005 Act have effect in relation to no-smoking premises which (by virtue of paragraph (2)) are a relevant ship—

- (a) sections 1 and 2 (offences of permitting others to smoke and smoking in no-smoking premises);
- (b) section 3(1), (2) and (4) (display of warning notices);
- (c) section 4(1) (meaning of “smoke”);
- (d) section 5 (proceedings for offences under sections 1 to 3);
- (e) section 6 (fixed penalties);
- (f) section 7 (powers to enter and require identification);
- (g) section 8 (bodies corporate etc.);
- (h) section 10 (Crown application); and
- (i) paragraphs 1 to 3, 4(2) and (3), 5(1) and (3) and 6 to 11 of Schedule 1 (further provisions as to fixed penalties).

(1) 1995 c. 21; there are amendments to section 85 which are not relevant to this Order.
(2) 2005 asp16.