

Changes to legislation: There are currently no known outstanding effects for the Smoking, Health and Social Care (Scotland) Act 2005, Paragraph 1. (See end of Document for details)

SCHEDULE 1

[^{F1}FIXED PENALTY FOR OFFENCES UNDER SECTIONS 1, 2, 3, 4A, 4B AND 4C(5)]

Textual Amendments

- F1** Sch. 1 title substituted (2.3.2022 for specified purposes, 5.9.2022 in so far as not already in force) by Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 (asp 14), ss. 20(8)(f), 36(2); S.S.I. 2022/43, reg. 2, sch.

Power to give fixed penalty notices

- 1 (1) An authorised officer of a council may, if having reason to believe that a person is committing or has committed an offence [^{F1}mentioned in sub-paragraph (1A)], give that person a fixed penalty notice in relation to that offence.

[^{F2}(1A) An offence referred to in sub-paragraph (1) is—

- (a) an offence under section 1, 2 or 3 in no-smoking premises within the area of the council,
- (b) an offence under section 4A or 4B within the no-smoking area outside a hospital building within the area of the council,
- (c) an offence under section 4C(5) in relation to a hospital building within the area of the council.]

- (2) A constable may, if having reason to believe that a person is committing or has committed an offence under section 1, 2 [^{F3}, 3, 4A, 4B or 4C(5)], give that person a fixed penalty notice in relation to that offence.

- (3) In this schedule, “fixed penalty notice” means a notice offering a person the opportunity of discharging any liability to conviction for an offence under section 1, 2 [^{F4}, 3, 4A, 4B or 4C(5)] by payment of a fixed penalty.

Textual Amendments

- F1** Words in sch. 1 para. 1(1) substituted (19.9.2022) by The Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 (Supplementary Provision) Regulations 2022 (S.S.I. 2022/276), regs. 1, 2(a)
- F2** Sch. 1 para. 1(1A) inserted (19.9.2022) by The Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 (Supplementary Provision) Regulations 2022 (S.S.I. 2022/276), regs. 1, 2(b)
- F3** Words in sch. 1 para. 1(2) substituted (2.3.2022 for specified purposes, 5.9.2022 in so far as not already in force) by Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 (asp 14), ss. 20(8)(b), 36(2); S.S.I. 2022/43, reg. 2, sch.
- F4** Words in sch. 1 para. 1(3) substituted (2.3.2022 for specified purposes, 5.9.2022 in so far as not already in force) by Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 (asp 14), ss. 20(8)(c), 36(2); S.S.I. 2022/43, reg. 2, sch.

Modifications etc. (not altering text)

- C1** Sch. 1 paras. 1-3 applied (15.5.2006) by Smoking, Health and Social Care (Scotland) Act 2005 and The Prohibition Of Smoking In Certain Premises (Scotland) Regulations 2006 (Consequential Provisions) (Scotland) Order 2006 (S.I. 2006/1115), arts. 1, 3 (with art. 4)

Commencement Information

- I1** Sch. 1 para. 1 in force at 26.3.2006 at 0600 hours by S.S.I. 2005/492, art. 3(d)

Changes to legislation:

There are currently no known outstanding effects for the Smoking, Health and Social Care (Scotland) Act 2005, Paragraph 1.