



# Smoking, Health and Social Care (Scotland) Act 2005

2005 asp 13

## PART 1

### SMOKING: PROHIBITION AND CONTROL

#### 2 Offence of smoking in no-smoking premises

- (1) A person who smokes in no-smoking premises commits an offence.
- (2) It is a defence for an accused charged with an offence under this section to prove that the accused did not know, and could not reasonably be expected to have known, that the place in which it is alleged that the accused was smoking was no-smoking premises.
- (3) A person guilty of an offence under this section is liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

#### Modifications etc. (not altering text)

- C1** S. 2 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** S. 2 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, Section 2.