



Smoking, Health and Social Care (Scotland) Act 2005

2005 asp 13

PART 1

SMOKING: PROHIBITION AND CONTROL

3 Display of warning notices in and on no-smoking premises

- (1) If notices are not conspicuously displayed—
 - (a) in, on or near no-smoking premises so as to be visible to and legible by persons in and persons approaching the premises; and
 - (b) stating—
 - (i) that the premises are no-smoking premises; and
 - (ii) that it is an offence to smoke there or knowingly to permit smoking there,

the person having the management or control of the premises commits an offence.
- (2) It is a defence for an accused charged with an offence under this section to prove that the accused (or any employee or agent of the accused) took all reasonable precautions and exercised all due diligence not to commit the offence.
- (3) The Scottish Ministers may, after consulting such persons as they consider appropriate, by regulations provide further as to the manner of display, form and content of the notices referred to in subsection (1) and that any such provision is to be treated, for the purposes of that subsection, as if incorporated in it.
- (4) 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. 3\(1\)](#) modified (26.3.2006) by [Prohibition of Smoking in Certain Premises \(Scotland\) Regulations 2006 \(S.S.I. 2006/90\)](#), regs. 1(4), 2

Changes to legislation: There are currently no known outstanding effects for the Smoking, Health and Social Care (Scotland) Act 2005, Section 3. (See end of Document for details)

- C2** S. 3(1)(2)(4) 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. 3(1)(2)(4) in force at 26.3.2006 at 0600 hours by S.S.I. 2005/492, **art. 3(d)**
- I2** S. 3(3) in force at 1.11.2005 by S.S.I. 2005/492, art. 3(b), **Sch. 2**

Changes to legislation:

There are currently no known outstanding effects for the Smoking, Health and Social Care (Scotland) Act 2005, Section 3.