



Smoking, Health and Social Care (Scotland) Act 2005

2005 asp 13

PART 1

SMOKING: PROHIBITION AND CONTROL

7 Powers to enter and require identification

(1) An authorised officer of the appropriate council may enter and search any no-smoking premises in order to ascertain whether an offence under section 1, 2 or 3 has been or is being committed there.

[^{F1}(1A) An authorised officer of the appropriate council may enter and search any hospital grounds to ascertain whether an offence under section 4A, 4B or 4C(5) has been or is being committed there.]

(2) A power under this section may be exercised, if need be, by force.

(3) A person who—

(a) an authorised officer of a council reasonably believes—

(i) is committing or has committed an offence under section 1, 2 [^{F2}, 3, 4A, 4B or 4C(5)]; or

(ii) has information relating to such an offence; and

(b) fails without reasonable excuse to supply the officer with the person's name and address on being so required by the officer,

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) In this section—

“authorised” means authorised for the purposes of this section by the appropriate council;

“the appropriate council” means—

Changes to legislation: There are currently no known outstanding effects for the Smoking, Health and Social Care (Scotland) Act 2005, Section 7. (See end of Document for details)

- (a) [^{F3}in relation to no-smoking premises, the council of the area in which those premises are];
- (b) [^{F4}in relation to a no-smoking area outside a hospital building, the council of the area in which the hospital is.]

Textual Amendments

- F1** S. 7(1A) inserted (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(6)(a), 36(2); S.S.I. 2022/43, reg. 2, sch.
- F2** Words in s. 7(3)(a)(i) 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(6)(b), 36(2); S.S.I. 2022/43, reg. 2, sch.
- F3** Words in s. 7(5) in definition renumbered (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(6)(c)(i), 36(2); S.S.I. 2022/43, reg. 2, sch.
- F4** Words in s. 7(5) inserted (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(6)(c)(ii), 36(2); S.S.I. 2022/43, reg. 2, sch.

Modifications etc. (not altering text)

- C1** S. 7 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. 7 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 7.