Tobacco and Primary Medical Services (Scotland) Act 2010
2010 asp 3

TOBACCO AND PRIMARY MEDICAL SERVICES (SCOTLAND) ACT 2010

PART 1

TOBACCO AND NICOTINE VAPOUR PRODUCTS ETC.

CHAPTER 1

DISPLAY, SALE AND PURCHASE

Display of tobacco products etc.

1 Prohibition of tobacco displays etc.
2 Displays which are also advertisements
3 Regulation of display of prices

Sale and purchase of tobacco and nicotine vapour products

4 Sale of tobacco products to persons under 18
4A Sale of nicotine vapour products to persons under 18
4B Age verification policy
4C Sale of tobacco or nicotine vapour products by persons under 18
4D Defence of due diligence for certain offences
5 Purchase of tobacco products by persons under 18
6 Purchase of tobacco products on behalf of persons under 18
6A Purchase of nicotine vapour products on behalf of persons under 18

Miscellaneous

7 Confiscation of tobacco products from persons under 18
8 Display of warning statements
9 Prohibition of vending machines for the sale of tobacco products
CHAPTER 2

REGISTER OF TOBACCO AND NICOTINE VAPOUR PRODUCT RETAILERS

Establishment
10 Register of tobacco and nicotine vapour product retailers

Registration
11 Application for registration and addition of premises etc.
12 Certificates of registration

Changes to register
13 Duty to notify certain changes
14 Changes to and removal from Register

Tobacco and nicotine vapour product banning orders
15 Tobacco and nicotine vapour product banning orders
16 Tobacco and nicotine vapour product banning orders: ancillary orders
17 Tobacco and nicotine vapour product banning orders etc.: appeals
18 Tobacco and nicotine vapour product banning orders etc.: notification to Scottish Ministers
19 Tobacco and nicotine vapour product banning orders: display of notices

Offences
20 Offences relating to the Register

Register of tobacco and nicotine vapour product retailers: miscellaneous and supplementary
21 Public inspection of Register
22 Council access to Register
23 Delegation of functions relating to Register
24 Vehicles, vessels and moveable structures

CHAPTER 3

ENFORCEMENT AND FIXED PENALTIES

Enforcement
25 Enforcement
26 Programmes of enforcement

Fixed penalties
27 Fixed penalties

Powers of entry etc.
28 Powers of entry etc.
29 Warrants for entry
30 Powers of entry and warrants for entry: supplementary
31 Obstruction, etc. of council officers
32 Powers of entry: constables

CHAPTER 4

MISCELLANEOUS AND SUPPLEMENTARY

33 Presumption as to contents of container
34 Offences by bodies corporate etc.
35 Interpretation of Part 1
35A Meaning of “nicotine vapour product”
36 Crown application

PART 2

PRIMARY MEDICAL SERVICES

37 Contractual arrangements for the provision of primary medical services
38 Section 17C arrangements: persons with whom agreements can be made
39 Eligibility to be contractor under general medical services contract

PART 3

GENERAL PROVISION

40 Orders and regulations
41 Minor and consequential modifications
42 Ancillary provision
43 Short title and commencement

SCHEDULE 1 — Fixed penalties

Preliminary

1 In this schedule, unless the context requires otherwise—“notice” means...

Content of fixed penalty notice

2 (1) A notice must give reasonable particulars of the circumstances...

Period in which notice can be given

3 A notice may not be given after such time relating...

Amount of penalty

4 (1) The—(a) amount of the fixed penalty, and

Deadlines for payment

5 (1) The payment deadline is the first working day at...

Method of payment

6 The fixed penalty (and the discounted payment amount) is payable—...
Restriction on proceedings and effect of payment

7 (1) The earliest date that proceedings for the offence may...

Withdrawal of fixed penalty notice

8 (1) A recipient of a notice may make representations to...

Effect of prosecution on fixed penalty notice

9 Where proceedings for an offence in respect of which a...

General and supplemental

10 The Scottish Ministers may make regulations about—

11 (1) The Scottish Ministers may prescribe— (a) the form of...

SCHEDULE 2 — Minor and consequential modifications

Part 1 — TOBACCO PRODUCTS ETC.

Children and Young Persons (Scotland) Act 1937 (c.37)

1 Section 18 of the Children and Young Persons (Scotland) Act...

Children and Young Persons (Protection from Tobacco) Act 1991 (c.23)

2 The Children and Young Persons (Protection from Tobacco) Act 1991...

Tobacco Advertising and Promotion Act 2002 (c.36)

3 In section 6(1)(a) of the Tobacco Advertising and Promotion Act...

4 In section 8 of that Act— (a) in subsection (1),...

Smoking, Health and Social Care (Scotland) Act 2005 (asp 13)

5 Section 9 of the Smoking, Health and Social Care (Scotland)...

Part 2 — PRIMARY MEDICAL SERVICES

National Health Service (Scotland) Act 1978 (c.29)

6 (1) Section 17D of the National Health Service (Scotland) Act...

Primary Medical Services (Scotland) Act 2004 (asp 1)

7 In section 2(3) of the Primary Medical Services (Scotland) Act...
### Changes to legislation:
Tobacco and Primary Medical Services (Scotland) Act 2010 is up to date with all changes known to be in force on or before 02 May 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

### Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):
- s. 4(4)(aa) inserted by S.S.I. 2019/142 reg. 3(2)
- s. 4A(4)(aa) inserted by S.S.I. 2019/142 reg. 3(3)