



Smoking, Health and Social Care (Scotland) Act 2005

2005 asp 13

PART 1

SMOKING: PROHIBITION AND CONTROL

^{F1}5 [F1 Proceedings for offences under sections 1 to 3 and 4A to 4C]

- (1) Summary proceedings in pursuance of section 1, 2 [F2, 3, 4A, 4B or 4C(5)] may be commenced at any time within the period of 6 months from the date on which evidence sufficient in the opinion of the Lord Advocate to justify the proceedings comes to the Lord Advocate's knowledge.
- (2) Subsection (3) of section 136 of the Criminal Procedure (Scotland) Act 1995 (c. 46) (date of commencement of summary proceedings) has effect for the purposes of subsection (1) as it has effect for the purposes of that section.
- (3) For the purposes of subsection (1), a certificate of the Lord Advocate as to the date on which the evidence in question came to the Lord Advocate's knowledge is conclusive evidence of the date on which it did so.

Textual Amendments

- F1** S. 5 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\(4\), 36\(2\); S.S.I. 2022/43, reg. 2, sch.](#)
- F2** Words in s. 5(1) 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\(3\), 36\(2\); S.S.I. 2022/43, reg. 2, sch.](#)

Modifications etc. (not altering text)

- C1** S. 5 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 \(with art. 4\)](#)

Changes to legislation: *There are currently no known outstanding effects for the Smoking, Health and Social Care (Scotland) Act 2005, Section 5. (See end of Document for details)*

Commencement Information

II [S. 5](#) 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 5.