
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2022 No.

**The Health (Tobacco, Nicotine etc. and Care) (Scotland)
Act 2016 (Supplementary Provision) Regulations 2022**

Amendment of schedule 1 of the Smoking, Health and Social Care (Scotland) Act 2005

2. In paragraph 1 of schedule 1 (fixed penalty for offences under sections 1, 2, 3, 4A, 4B and 4C(5)) of the Smoking, Health and Social Care (Scotland) Act 2005⁽¹⁾—

(a) in sub-paragraph (1), for the words from “under”, in the first place where it occurs, to “council”, in the second place where it occurs, (including the words inserted by section 20(8)(a) of the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016) substitute “mentioned in sub-paragraph (1A)”,

(b) after sub-paragraph (1) insert—

“(1A) An offence referred to in sub-paragraph (1) is—

- (a) an offence under section 1, 2 or 3 in no-smoking premises within the area of the council,
- (b) an offence under section 4A or 4B within the no-smoking area outside a hospital building within the area of the council,
- (c) an offence under section 4C(5) in relation to a hospital building within the area of the council.”.

(1) 2005 asp 13. Schedule 1 was amended by section 20(8) of the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 (asp 14).