

POLICY NOTE

THE TOBACCO AND PRIMARY MEDICAL SERVICES (SCOTLAND) ACT 2010 (COMMENCEMENT NO. 3) ORDER 2013

SSI 2013/38 (C. 3)

The above Order is made in exercise of the powers conferred by sections 40 (2) and 43(3) of the Tobacco and Primary Medical Services (Scotland) Act 2010 (“the 2010 Act”). The instrument is laid before Parliament in accordance with section 30 of the Interpretation and Legislative Reform (Scotland) Act 2010.

Policy Objectives

Article 2(a) of the Order commences section 1 (prohibition of tobacco displays etc.), 2 (displays which are also advertisements) and 3 (regulation of display of prices) of the 2010 Act on 26th February 2013 for the purpose of enabling Scottish Ministers to make regulations. The policy aim of these sections is to protect children and young people under 18 from the promotion of tobacco through the display of tobacco and smoking related products in places where tobacco is for sale.

Consultation, Impact Assessments and Financial Effects

A full consultation and Business and Regulatory Impact Assessment were completed in respect of sections 1, 2 and 3 of the 2010 Act before that legislation was enacted. Details are available on the Scottish Government website.

The Regulations which will be made in exercise of these powers have been developed in discussion with retailers. A full consultation on the form of the regulations was undertaken in 2010 and a Partial Impact Assessment was also completed. Details are available on the Scottish Government website.

Final regulations were made public in January 2012 and notified to the European Commission under the Technical Standards Directive in February 2012. They will be made and laid in Parliament in February 2013.