



# Tobacco and Primary Medical Services (Scotland) Act 2010

2010 asp 3

## TOBACCO AND PRIMARY MEDICAL SERVICES (SCOTLAND) ACT 2010

### PART 1

#### TOBACCO PRODUCTS ETC.

#### CHAPTER 1

##### DISPLAY, SALE AND PURCHASE OF TOBACCO PRODUCTS

##### *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 products*

- 4 Sale of tobacco products to persons under 18
- 5 Purchase of tobacco products by persons under 18
- 6 Purchase of tobacco 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 RETAILERS

*Establishment*

- 10 Register of tobacco 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 retailing banning orders*

- 15 Tobacco retailing banning orders  
16 Tobacco retailing banning orders: ancillary orders  
17 Tobacco retailing banning orders etc.: appeals  
18 Tobacco retailing banning orders etc.: notification to Scottish Ministers  
19 Tobacco retailing banning orders: display of notices

*Offences*

- 20 Offences relating to the Register

*Register of tobacco 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
- 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

- 1 Preliminary
- 2 Content of fixed penalty notice
- 3 Period in which notice can be given
- 4 Amount of penalty
- 5 Deadlines for payment
- 6 Method of payment
- 7 Restriction on proceedings and effect of payment
- 8 Withdrawal of fixed penalty notice
- 9 Effect of prosecution on fixed penalty notice
- 10 General and supplemental
- 11 (1) The Scottish Ministers may prescribe— (a) the form of...

#### SCHEDULE 2 — Minor and consequential modifications

##### Part 1 — TOBACCO PRODUCTS ETC.

- 1 Children and Young Persons (Scotland) Act 1937 (c.37)
- 2 Children and Young Persons (Protection from Tobacco) Act 1991 (c.23)
- 3 Tobacco Advertising and Promotion Act 2002 (c.36)
- 4 In section 8 of that Act— (a) in subsection (1),...
- 5 Smoking, Health and Social Care (Scotland) Act 2005 (asp 13)

##### Part 2 — PRIMARY MEDICAL SERVICES

- 6 National Health Service (Scotland) Act 1978 (c.29)
- 7 Primary Medical Services (Scotland) Act 2004 (asp 1)