



# Tobacco and Primary Medical Services (Scotland) Act 2010

## 2010 asp 3

### PART 1

#### TOBACCO PRODUCTS ETC.

### CHAPTER 4

#### MISCELLANEOUS AND SUPPLEMENTARY

### 35 Interpretation of Part 1

(1) In this Part—

“area”—

- (a) in relation to a council, means the local government area for which the council is constituted,
- (b) in relation to a council officer, means the area of the council which authorised the officer,

“council” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c.39),

“council officer” means a duly authorised officer of a council,

“fixed penalty notice” is to be construed in accordance with section 27 and schedule 1,

[<sup>F1</sup>“nicotine vapour product business” means a business involving the sale of nicotine vapour products by retail,]

“premises” includes any place and any vehicle [<sup>F2</sup>or moveable structure (and, for this purpose, “vehicle” includes any aircraft or ship, boat or other water-going vessel, other than one of a prescribed description)] ,

“prescribed” means prescribed in regulations made by the Scottish Ministers (and “prescribe” is to be construed accordingly),

“registered” and “unregistered” have the meaning given in section 10(2),

---

*Status: Point in time view as at 06/02/2017. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Tobacco and Primary Medical Services (Scotland) Act 2010, Section 35. (See end of Document for details)*

---

“tobacco business” means a business involving the sale of tobacco products by retail,

[<sup>F3</sup>“tobacco or nicotine vapour product business” means a business which involves (either or both) a tobacco business or a nicotine vapour product business,]

“tobacco product” means a product consisting wholly or partly of tobacco and intended to be smoked, sniffed, sucked or chewed,

“tobacco retailing banning order” has the meaning given in section 15(6).

- (2) For the purposes of this Part, the following are smoking related products—
- cigarette papers
  - cigarette tubes
  - cigarette filters
  - apparatus for making cigarettes
  - cigarette holders
  - pipes for smoking tobacco products.
- (3) The Scottish Ministers may by order modify the list in subsection (2) as they consider appropriate.

#### Textual Amendments

- F1** Words in s. 35(1) inserted (6.2.2017 for specified purposes) by [Health \(Tobacco, Nicotine etc. and Care\) \(Scotland\) Act 2016 \(asp 14\), ss. 8\(2\)\(a\), 36\(2\)](#); S.S.I. 2017/12, reg. 2, sch.
- F2** Words in s. 35(1) substituted (6.2.2017) by [Health \(Tobacco, Nicotine etc. and Care\) \(Scotland\) Act 2016 \(asp 14\), ss. 13, 36\(2\)](#); S.S.I. 2017/12, reg. 2, sch.
- F3** Words in s. 35(1) inserted (6.2.2017 for specified purposes) by [Health \(Tobacco, Nicotine etc. and Care\) \(Scotland\) Act 2016 \(asp 14\), ss. 8\(2\)\(b\), 36\(2\)](#); S.S.I. 2017/12, reg. 2, sch.

#### Commencement Information

- I1** S. 35 in force at 1.4.2011 by [S.S.I. 2010/345, art. 2, Sch.](#)

**Status:**

Point in time view as at 06/02/2017. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Tobacco and Primary Medical Services (Scotland) Act 2010, Section 35.