



Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016

2016 asp 14

PART 1

TOBACCO, NICOTINE VAPOUR PRODUCTS AND SMOKING

CHAPTER 2

ADVERTISING AND PROMOTION OF NICOTINE VAPOUR PRODUCTS

19 Sponsorship

- (1) The Scottish Ministers may by regulations make provision prohibiting or restricting the entering into, in the course of a business, of a sponsorship agreement, where the purpose or effect of anything done as a result of the agreement is to promote a nicotine vapour product.
- (2) Regulations under subsection (1) may in particular—
 - (a) make provision for offences and penalties for a person who contravenes a prohibition or restriction mentioned in subsection (1),
 - (b) provide for exceptions to the offences,
 - (c) provide for defences to the offences,
 - (d) impose on a person a duty to enforce the provisions in the regulations and, in relation to such a duty, apply with modifications, or make provision equivalent to, sections 25 and 26 of the 2010 Act,
 - (e) provide powers to a person whose duty it is to enforce the provisions and, in relation to such powers, apply with modifications, or make provision equivalent to, sections 28 to 32 of the 2010 Act.
- (3) The maximum penalties that may be provided for in regulations under subsection (1) for a person who commits an offence under those regulations are—
 - (a) on summary conviction, imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum or both,

Status: This is the original version (as it was originally enacted).

- (b) on conviction on indictment, imprisonment for a term not exceeding 2 years or a fine or both.

(4) In this section—

“nicotine vapour product” has the meaning given in section 35A of the 2010 Act,
“sponsorship agreement” means an agreement under which a party to it makes a contribution towards something, whether the contribution is in money or takes any other form (for example, the provision of services or of contributions in kind).