



Tobacco and Primary Medical Services (Scotland) Act 2010

2010 asp 3

PART 1

[^{F1}TOBACCO AND NICOTINE VAPOUR PRODUCTS ETC.]

CHAPTER 2

[^{F1}REGISTER OF TOBACCO AND NICOTINE VAPOUR PRODUCT RETAILERS]

Offences

20 Offences relating to the Register

- (1) An unregistered person who carries on a tobacco [^{F1}or nicotine vapour product] business commits an offence.
- (2) A registered person who carries on a tobacco business at premises other than those noted in the person's entry in the Register [^{F2}as premises at which the person carries on a tobacco business (or both a tobacco business and a nicotine vapour product business)] commits an offence.
- [^{F3}(2A) A registered person who carries on a nicotine vapour product business at premises other than those noted in the person's entry in the Register as premises at which the person carries on a nicotine vapour product business (or both a tobacco business and a nicotine vapour product business) commits an offence.]
- (3) A person who fails, without reasonable excuse, to comply with section 13(1) (duty to notify certain changes) commits an offence.
- (4) A person who breaches a tobacco [^{F4}and nicotine vapour product] banning order or an ancillary order made under section 16 commits an offence.
- (5) A person who fails, without reasonable excuse, to comply with section 19(2) (duty to display notice) commits an offence.

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

- (6) A person guilty of an offence under—
- (a) subsection (1), (2) [^{F5}, (2A)] or (4) is liable on summary conviction to—
 - (i) a fine not exceeding £20,000,
 - (ii) imprisonment for a term not exceeding 6 months, or
 - (iii) both,
 - (b) subsection (3) is liable on summary conviction to a fine not exceeding level 2 on the standard scale,
 - (c) subsection (5) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Textual Amendments

- F1** Words in s. 20(1) inserted (1.10.2017) by [Health \(Tobacco, Nicotine etc. and Care\) \(Scotland\) Act 2016 \(asp 14\), ss. 11\(a\), 36\(2\); S.S.I. 2017/12, reg. 2, sch.](#)
- F2** Words in s. 20(2) inserted (1.10.2017) by [Health \(Tobacco, Nicotine etc. and Care\) \(Scotland\) Act 2016 \(asp 14\), ss. 11\(b\), 36\(2\); S.S.I. 2017/12, reg. 2, sch.](#)
- F3** S. 20(2A) inserted (1.10.2017) by [Health \(Tobacco, Nicotine etc. and Care\) \(Scotland\) Act 2016 \(asp 14\), ss. 11\(c\), 36\(2\); S.S.I. 2017/12, reg. 2, sch.](#)
- F4** Words in s. 20(4) substituted (1.10.2017) by [Health \(Tobacco, Nicotine etc. and Care\) \(Scotland\) Act 2016 \(asp 14\), ss. 11\(d\), 36\(2\); S.S.I. 2017/12, reg. 2, sch.](#)
- F5** Word in s. 20(6)(a) inserted (1.10.2017) by [Health \(Tobacco, Nicotine etc. and Care\) \(Scotland\) Act 2016 \(asp 14\), ss. 11\(e\), 36\(2\); S.S.I. 2017/12, reg. 2, sch.](#)

Commencement Information

- I1** S. 20 in force at 1.10.2011 by [S.S.I. 2010/345, art. 2, Sch.](#)

Changes to legislation:

There are currently no known outstanding effects for the Tobacco and Primary Medical Services (Scotland) Act 2010, Cross Heading: Offences.