



Tobacco and Primary Medical Services (Scotland) Act 2010

2010 asp 3

PART 1

[^{F1}TOBACCO AND NICOTINE VAPOUR 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,

[^{F1}“nicotine vapour product business” means a business involving the sale of nicotine vapour products by retail,]

“premises” includes any place and any vehicle [^{F2}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Status: Point in time view as at 01/04/2017.

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,

[^{F3}“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, 1.4.2017 in so far as not already in force) 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, 1.4.2017 in so far as not already in force) 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.
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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 01/04/2017.

Changes to legislation:

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