
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend schedule 1 of the Smoking, Health and Social Care (Scotland) Act 2005 (“the 2005 Act”).

Regulation 2 amends paragraph 1 of schedule 1 of the 2005 Act to enable an authorised officer of a council to issue a fixed penalty notice if they have reason to believe that a person is committing or has committed an offence under section 4B and 4C(5) of that Act. This is in addition to the power of an authorised officer of a council to issue a fixed penalty notice in respect of an offence under section 1, 2, 3 and 4A of that Act.

Section 4B of the 2005 Act provides that it is an offence for a person to smoke within the no-smoking area outside a hospital building. Section 4C(5) of the 2005 Act provides that it is an offence if the person having the management and control of a hospital building fails to conspicuously display no-smoking notices at every entrance to the building.