
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force sections 1, 2 and 3 of the Tobacco and Primary Medical Services (Scotland) Act 2010 (“the 2010 Act”) (article 2). Sections 1, 2 and 3 are brought into force for the purpose of making regulations on 26th February 2013, for large shops on 29th April 2013 and for all other purposes on 6th April 2015.

Section 1 of the 2010 Act prohibits, in the course of business, the display of tobacco products or smoking related products in a place where tobacco products are offered for sale. Section 2 makes provision about displays which are also advertisements. Section 3 makes provision in relation to the display of the prices of tobacco products and smoking related products.

The Bill for the 2010 Act received Royal Assent on 3rd March 2010. Sections 40, 41, 42 and 43 of the 2010 Act came into force on Royal Assent.

The commencement of section 41 which gives effect to schedule 2 to the 2010 Act, (Minor and Consequential Modifications), must be read subject to the Tobacco and Primary Medical Services (Scotland) Act 2010 (Ancillary Provisions) Order 2010 ([S.S.I. 2010/77](#)) (“the Ancillary Order”). It provides that the modifications in that schedule shall not take effect until the coming into force for all purposes of specified sections of the 2010 Act. Article 2 of the Ancillary Order specifies that the modification in paragraphs 3 and 4 of schedule 2 to the 2010 Act have effect on the coming into force for all purposes of section 1 of the 2010 Act. The modifications to the Tobacco Advertising and Promotion Act 2002 in those paragraphs therefore take effect on the coming into force for all purposes of section 1 of the 2010 Act.