

POLICY NOTE

THE HEALTH (TOBACCO, NICOTINE ETC. AND CARE) (SCOTLAND) ACT 2016 (COMMENCEMENT NO. 6) REGULATIONS 2024

SSI 2024/1

The above instrument was made in exercise of the powers conferred by section 36(2) of the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016. The instrument is subject to no procedure.

Summary Box

These regulations commence section 17 (Advertising and brandsharing), section 18 (Free distribution and nominal pricing) and section 19 (Sponsorship) of the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 (“the Act”).

Policy Objectives

The Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 (“the 2016 Act”) gives the Scottish Ministers powers to make secondary legislation to restrict advertising and promotion of vaping products in Scotland. This means that the Scottish Ministers can introduce further restrictions on advertising and promoting these products.

The purpose of this SSI is to commence section 17 (Advertising and brandsharing), section 18 (Free distribution and nominal pricing) and section 19 (Sponsorship) of the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 (“the Act”), to enable us to introduce further restrictions in 2024.

EU Alignment Consideration

This instrument is not relevant to the Scottish Government’s policy to maintain alignment with the EU.

Consultation

No consultation has been carried out in relation to this instrument. There is no statutory duty to consult on this instrument.

Impact Assessments

No consultation has been carried out in relation to this instrument. There is no statutory duty to consult on this instrument.

Financial Effects

The Minister for Public Health and Women’s Health confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Population Health Directorate

January 2024