

TOBACCO AND PRIMARY MEDICAL SERVICES (SCOTLAND) ACT 2010

EXPLANATORY NOTES

THE ACT – OVERVIEW

Part 1 – Tobacco Products Etc.

Section 16 – Tobacco retailing banning orders: ancillary orders

29. This section allows councils to apply to the sheriff for an “ancillary order”. Such orders are ancillary to tobacco retail banning orders granted under section 15. The application can be made along with an application for a banning order or it can be made at a later date once a banning order is in place. The order can be sought against “P” who is the person against whom the banning order is being sought or has already been made. An ancillary order can be sought by the council banning P from being connected to or seeking to control another person carrying on a tobacco business at the specified premises. In addition, where P is not an individual (e.g. where P is a company or partnership), an order can be sought to ban any person connected to P from carrying on a tobacco business at the specified premises or being connected to any such person. Section 16(5) defines “specified premises” to be the premises in the banning order (either being sought or already granted) to which the ancillary order relates. Section 16(4) provides when a banning order ceases to have effect any related ancillary orders will also cease to have effect. Sections 16(6) and (7) define “connected to” and “control of a company” respectively.