



Tobacco and Primary Medical Services (Scotland) Act 2010

2010 asp 3

PART 1

TOBACCO PRODUCTS ETC.

CHAPTER 1

DISPLAY, SALE AND PURCHASE OF TOBACCO PRODUCTS

Display of tobacco products etc.

1 Prohibition of tobacco displays etc.

- (1) A person who in the course of business displays or causes to be displayed tobacco products or smoking related products in a place where tobacco products are offered for sale commits an offence.
- (2) A person does not commit an offence under subsection (1) if the display—
 - (a) is in a specialist tobacconist,
 - (b) does not include cigarettes or hand-rolling tobacco, and
 - (c) complies with any prescribed requirements.
- (3) A person does not commit an offence under subsection (1) if—
 - (a) the tobacco products or smoking related products are displayed in the course of a business involving the sale of tobacco products only to persons who carry on a tobacco business (or their employees), and
 - (b) the display complies with any prescribed requirements.
- (4) The Scottish Ministers may provide in regulations that no offence is committed under subsection (1) in relation to a display of tobacco products or smoking related products which complies with requirements specified in the regulations.

- (5) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (6) For the purposes of subsection (1), a website is not a place.
- (7) In subsection (2), “specialist tobacconist” has the meaning given by section 6(2) of the Tobacco Advertising and Promotion Act 2002 (c.36).

2 Displays which are also advertisements

The Scottish Ministers may by regulations provide that a display of tobacco products or smoking related products which also amounts to an advertisement is to be treated for the purposes of offences under this Act and the Tobacco Advertising and Promotion Act 2002—

- (a) as an advertisement and not as a display, or
- (b) as a display and not as an advertisement.

3 Regulation of display of prices

- (1) The Scottish Ministers may by regulations impose requirements in relation to the display in the course of business of prices of tobacco products or smoking related products in a place where tobacco products are offered for sale.
- (2) For the purposes of subsection (1), a website is not a place but the regulations may otherwise provide for the meaning of “place” in that subsection.
- (3) A person who displays or causes to be displayed prices of tobacco products or smoking related products in breach of a requirement contained in the regulations commits an offence.
- (4) A person guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (5) The regulations may provide that a display of prices which also amounts to an advertisement is to be treated for the purposes of offences under this Act and the Tobacco Advertising and Promotion Act 2002—
 - (a) as an advertisement and not as a display of prices, or
 - (b) as a display of prices and not as an advertisement.