



# Tobacco and Primary Medical Services (Scotland) Act 2010

2010 asp 3

## PART 1

### TOBACCO PRODUCTS ETC.

#### CHAPTER 3

##### ENFORCEMENT AND FIXED PENALTIES

###### *Enforcement*

#### **25 Enforcement**

- (1) It is the duty of a council to enforce within its area the provisions of Chapters 1 and 2 and regulations made under them.
- (2) The Scottish Ministers may direct, in relation to a particular case or cases of a particular description, that any duty imposed on a council by subsection (1) is to be discharged by the Scottish Ministers and not by the council.
- (3) Where a direction has effect under subsection (2), sections 27 to 31 apply, in relation to the particular case, or cases of the description, specified in the direction—
  - (a) as if references to a council officer were references to a person acting on behalf of the Scottish Ministers, and
  - (b) with references to a person's area being read in accordance with any modifications specified in the direction.

#### **26 Programmes of enforcement**

- (1) A council must, at least once in every period of 12 months, carry out a programme of enforcement action in its area.

---

**Status:** *This is the original version (as it was originally enacted).*

---

- (2) For the purposes of subsection (1), a programme of enforcement action is a programme involving one or both of the following—
- (a) the investigation of complaints in respect of alleged offences under Chapter 1 or 2,
  - (b) the taking of other measures intended to reduce the incidence of offences under those Chapters.