



Tobacco and Primary Medical Services (Scotland) Act 2010

2010 asp 3

PART 1

TOBACCO PRODUCTS ETC.

CHAPTER 2

REGISTER OF TOBACCO RETAILERS

Tobacco retailing banning orders

15 Tobacco retailing banning orders

- (1) A council may apply to the sheriff for an order banning a person from carrying on a tobacco business from premises within the council's area.
- (2) An application under subsection (1) must specify the premises from which the person is to be banned from carrying on a tobacco business.
- (3) The sheriff may make an order banning the person from carrying on a tobacco business at the premises specified in the order if satisfied, on the balance of probabilities, that—
 - (a) the person has been the subject of 3 or more relevant enforcement actions in respect of each premises specified in the order,
 - (b) at least one of the actions occurred in the period of 2 months ending on the date the application was made,
 - (c) the conduct to which the actions relate took place within a period of 2 years, and
 - (d) the making of the order is necessary to prevent the commission of further offences under Chapter 1 or 2.
- (4) A person is the subject of a relevant enforcement action if the person is—
 - (a) issued with a fixed penalty notice (which is not subsequently withdrawn), or
 - (b) convicted of an offence under Chapter 1 or 2.

Status: This is the original version (as it was originally enacted).

- (5) An order made under this section has effect for the period (not exceeding 24 months) specified in the order beginning with the day the order is granted.
- (6) In this Part, an order made under this section is referred to as a “tobacco retailing banning order”.