



Tobacco and Primary Medical Services (Scotland) Act 2010

2010 asp 3

PART 1

[^{F1}TOBACCO AND NICOTINE VAPOUR 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.

Commencement Information

11 S. 25 in force at 1.4.2011 by [S.S.I. 2010/345](#), art. 2, [Sch.](#)

Changes to legislation: There are currently no known outstanding effects for the Tobacco and Primary Medical Services (Scotland) Act 2010, Cross Heading: Enforcement. (See end of Document for details)

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.
- (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.

Commencement Information

I2 S. 26 in force at 1.4.2011 by [S.S.I. 2010/345](#), art. 2, [Sch.](#)

Changes to legislation:

There are currently no known outstanding effects for the Tobacco and Primary Medical Services (Scotland) Act 2010, Cross Heading: Enforcement.