

2013 No. 38 (C. 3)

PUBLIC HEALTH

**The Tobacco and Primary Medical Services (Scotland) Act 2010
(Commencement No. 3) Order 2013**

Made - - - - - *5th February 2013*

Laid before the Scottish Parliament *7th February 2013*

Coming into force - - - *18th February 2013*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 40(2) and 43(3) of the Tobacco and Primary Medical Services (Scotland) Act 2010(a).

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Tobacco and Primary Medical Services (Scotland) Act 2010 (Commencement No. 3) Order 2013 and comes into force on 18th February 2013.

(2) In this Order—

“large shop” means a shop which has a relevant floor area exceeding 280 square metres;

“relevant floor area”, in relation to a shop, means the internal floor area of so much of the shop as consists of or is comprised in a building but excluding any part of the shop which is used neither for the serving of customers in connection with the sale of goods nor for the display of goods; and

“shop” means any place where there is carried on a trade or business consisting wholly or mainly of the sale of goods.

Appointed days

2. The days appointed for the coming into force of the following provisions of the Tobacco and Primary Medical Services (Scotland) Act 2010 are—

(a) 26th February 2013 for sections 1 (prohibition of tobacco displays etc.), 2 (displays which are also advertisements) and 3 (regulation of display of prices) but only for the purpose of enabling the Scottish Ministers to make regulations under sections 1(2)(c), (3)(b) and (4), 2 and 3(1), (2) and (5);

(b) 29th April 2013 for sections 1, 2 and 3 but only for the purposes of large shops; and

(c) 6th April 2015 for sections 1, 2 and 3 for all other purposes.

St Andrew's House,
Edinburgh
5th February 2013

MICHAEL MATHESON
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force sections 1, 2 and 3 of the Tobacco and Primary Medical Services (Scotland) Act 2010 (“the 2010 Act”) (article 2). Sections 1, 2 and 3 are brought into force for the purpose of making regulations on 26th February 2013, for large shops on 29th April 2013 and for all other purposes on 6th April 2015.

Section 1 of the 2010 Act prohibits, in the course of business, the display of tobacco products or smoking related products in a place where tobacco products are offered for sale. Section 2 makes provision about displays which are also advertisements. Section 3 makes provision in relation to the display of the prices of tobacco products and smoking related products.

The Bill for the 2010 Act received Royal Assent on 3rd March 2010. Sections 40, 41, 42 and 43 of the 2010 Act came into force on Royal Assent.

The commencement of section 41 which gives effect to schedule 2 to the 2010 Act, (Minor and Consequential Modifications), must be read subject to the Tobacco and Primary Medical Services (Scotland) Act 2010 (Ancillary Provisions) Order 2010 (S.S.I. 2010/77) (“the Ancillary Order”). It provides that the modifications in that schedule shall not take effect until the coming into force for all purposes of specified sections of the 2010 Act. Article 2 of the Ancillary Order specifies that the modification in paragraphs 3 and 4 of schedule 2 to the 2010 Act have effect on the coming into force for all purposes of section 1 of the 2010 Act. The modifications to the Tobacco Advertising and Promotion Act 2002 in those paragraphs therefore take effect on the coming into force for all purposes of section 1 of the 2010 Act.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the 2010 Act have been brought into force by commencement orders made before the date of this Order:—

<i>Provision</i>	<i>Date of Commencement</i>	<i>Instrument No.</i>
Section 4 (partially)	24th October 2010	S.S.I. 2010/345
Section 4	1st April 2011	S.S.I. 2010/345
Section 5	1st April 2011	S.S.I. 2010/345
Section 6	1st April 2011	S.S.I. 2010/345
Section 7	1st April 2011	S.S.I. 2010/345
Section 8 (partially)	24th October 2010	S.S.I. 2010/345
Section 8	1st April 2011	S.S.I. 2010/345
Section 10	1st April 2011	S.S.I. 2010/345
Section 11 (partially)	24th October 2010	S.S.I. 2010/345
Section 11	1st April 2011	S.S.I. 2010/345
Section 12	1st April 2011	S.S.I. 2010/345
Section 13	1st April 2011	S.S.I. 2010/345
Section 14	1st April 2011	S.S.I. 2010/345
Section 15	1st October 2011	S.S.I. 2010/345

<i>Provision</i>	<i>Date of Commencement</i>	<i>Instrument No.</i>
Section 16	1st October 2011	S.S.I. 2010/345
Section 17	1st October 2011	S.S.I. 2010/345
Section 18	1st October 2011	S.S.I. 2010/345
Section 19 (partially)	24th October 2010	S.S.I. 2010/345
Section 19	1st October 2011	S.S.I. 2010/345
Section 20	1st October 2011	S.S.I. 2010/345
Section 21	1st October 2011	S.S.I. 2010/345
Section 22	1st October 2011	S.S.I. 2010/345
Section 23	1st October 2011	S.S.I. 2010/345
Section 24	24th October 2010	S.S.I. 2010/345
Section 25	1st April 2011	S.S.I. 2010/345
Section 26	1st April 2011	S.S.I. 2010/345
Section 27 (partially)	24th October 2010	S.S.I. 2010/345
Section 27	1st April 2011	S.S.I. 2010/345
Sections 28, 29, 30, 31 and 32	1st April 2011	S.S.I. 2010/345
Sections 33, 34, 35 and 36	1st April 2011	S.S.I. 2010/345
Section 37	22nd December 2010	S.S.I. 2010/372
Section 38 (partially)	8th November 2010	S.S.I. 2010/372
Section 38	22nd December 2010	S.S.I. 2010/372
Section 39 (partially)	8th November 2010	S.S.I. 2010/372
Section 39	22 December 2010	S.S.I. 2010/372
Schedule 1 (partially)	24th October 2010	S.S.I. 2010/345
Schedule 1	1st April 2011	S.S.I. 2010/345

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