SCOTTISH STATUTORY INSTRUMENTS

2026 No. 278

PUBLIC HEALTH

The Sale of Tobacco (Miscellaneous and Consequential Amendment) (Scotland) Regulations 2026

Made - - - - *30th September 2026*

Laid before the Scottish Parliament *2nd October 2026*

Coming into force in accordance with regulation 1(2) and (3)

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 8(5)(**a**) and 19(5)(**b**) of the Tobacco and Primary Medical Services (Scotland) Act 2010(**c**), section 169(1)(a) of the Tobacco and Vapes Act 2026(**d**) and all other powers enabling them to do so.

Citation and commencement

1.—(1) These Regulations may be cited as the Sale of Tobacco (Miscellaneous and Consequential Amendment) (Scotland) Regulations 2026 and come into force in accordance with paragraphs (2) and (3).

(2) This regulation and regulations 2 and 4 come into force on 27 November 2026.

(3) Regulation 3 comes into force on 1 January 2027.

Dimensions of notice and size of statement on banning order notice

2.—(1) The Sale of Tobacco (Register of Tobacco Retailers) Regulations 2010(**e**) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 2(1), after the definition of "bulk tobacconist", insert—

""character" means a letter or number;".

(3) In regulation 4(2), for "297 millimetres by 420" substitute "420 millimetres by 594".

(4) For regulation 4(4), substitute—

(**a**) Section 8(5) is amended by section 57(1) of the Tobacco and Vapes Act 2026 (c. 18). In accordance with section 175(2) of that Act, section 57(1) came into force on 29 April 2026 in so far as it confers a power to make regulations or relates to the exercise of the power. In accordance with section 175(1) of that Act, section 57(1) comes into force on 29 October 2026 for all other purposes. As per section 35(1) of the Tobacco and Primary Medical Services (Scotland) Act 2010 (2010 asp 3), "prescribed" means prescribed in regulations made by the Scottish Ministers (and "prescribe" is to be construed accordingly).

(**b**) As per section 35(1) of the 2010 Act, "prescribed" means prescribed in regulations made by the Scottish Ministers (and "prescribe" is to be construed accordingly).

(**c**) 2010 asp 3.

(**d**) 2026 c. 18.

(**e**) S.S.I. 2010/407, relevantly amended by S.S.I. 2017/51 and by S.S.I. 2026/213 from 29 October 2026, subject to transitional and saving provisions in S.S.I. 2026/213.

"(4) The statement on the notice is of a size such that no character is less than—

(a) 18 millimetres high in respect of the heading, and

(b) 10 millimetres high in respect of the rest of the statement.".

Size of statement on age of sale notice

3. In regulation 2(3) of the Sale of Tobacco (Display of Warning Statements) (Scotland) Regulations 2011(**a**), for "36" substitute "21".

The Sale of Tobacco (Registration of Moveable Structures and Fixed Penalty Notices) (Scotland) Regulations 2011

4. In the heading of regulation 7 of the Sale of Tobacco (Registration of Moveable Structures and Fixed Penalty Notices) (Scotland) Regulations 2011(**b**), omit "all other".

MAREE TODD
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
30th September 2026

(**a**) S.S.I. 2011/132.
(**b**) S.S.I. 2011/23, relevantly amended by S.S.I. 2026/213 from 29 October 2026.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make miscellaneous and consequential amendments to secondary legislation made under the Tobacco and Primary Medical Services (Scotland) Act 2010 ("the 2010 Act") including amendments to the size requirements for notices which retailers have to display.

The Sale of Tobacco (Register of Tobacco Retailers) Regulations 2010 ("the 2010 Regulations") prescribe the dimensions of the notice, the wording of the statement and the size of the statement on a banning order notice which, under section 19(2) of the 2010 Act, must be displayed by a person in retail premises where a banning order has been made specifying those premises. Regulation 2 amends the 2010 Regulations to change the requirements for the dimensions of banning order notices and the size of the statement on such notices. These requirements will apply to all notices from 27 November 2026, including notices relating to tobacco and vaping product banning orders (which are orders made under section 15 of the 2010 Act before 29 October 2026).

The Sale of Tobacco (Display of Warning Statements) (Scotland) Regulations 2011 ("the 2011 Regulations") prescribe the dimensions of the notice and the size of the statement on the notice which, under section 8(1) of the 2010 Act, must be displayed in any premises where a tobacco business is carried on. From 1 January 2027 the notice must contain the statement "It is illegal to sell tobacco products to anyone born on or after 1 January 2009". Regulation 3 amends the 2011 Regulations to change the requirement for the size of the text in the statement. The requirements for the dimensions of the notice itself will not change.

The Tobacco and Vapes Act 2026 (Consequential, Transitional and Saving Provisions) (Scotland) Regulations 2026 ("the 2026 Regulations") contain amendments in consequence of provision in the Tobacco and Vapes Act 2026. Sections 54 and 55 of that Act repealed the offences of a person under the age of 18 purchasing tobacco products, and of a person under the age of 18 failing to comply with a confiscation request. The 2026 Regulations amend the Sale of Tobacco (Registration of Moveable Structures and Fixed Penalty Notices) (Scotland) Regulations 2011 ("the Fixed Penalty Regulations") to ensure there are no longer any prescribed fixed penalties for the repealed offences. Regulation 4 of these Regulations amends the heading of regulation 7 of the Fixed Penalty Regulations to reflect that regulation 7 will contain the amount of fixed penalty and discounted amount for all offences in Chapters 1 and 2 of Part 1 of the 2010 Act.

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