

2010 No. 406

PUBLIC HEALTH

The Sale of Tobacco (Prescribed Document) Regulations 2010

Made - - - - *18th November 2010*

Laid before the Scottish Parliament *22nd November 2010*

Coming into force - - *1st April 2011*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 4(4) of the Tobacco and Primary Medical Services (Scotland) Act 2010^(a) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Sale of Tobacco (Prescribed Document) Regulations 2010 and come into force on 1st April 2011.

Sale of tobacco products to persons under 18 – prescribed document

2. The description of document prescribed^(b) for the purposes of section 4(4)(c) (documents establishing a person’s age) of the Tobacco and Primary Medical Services (Scotland) Act 2010 is a photographic identity card bearing the national Proof of Age Standards Scheme^(c) hologram.

SHONA ROBISON

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
18th November 2010

(a) 2010 asp 3.

(b) “Prescribed” is defined in section 35 of the Tobacco and Primary Medical Services (Scotland) Act 2010 to mean prescribed in regulations made by the Scottish Ministers.

(c) The national Proof of Age Standards Scheme is run by PASSCO, company number 4570623, a company limited by guarantee with its registered office at 21 Dartmouth Street, London SW1 9BP.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 4 of the Tobacco and Primary Medical Services (Scotland) Act 2010 (“the Act”) provides that it is an offence to sell a tobacco product or cigarette papers to a person under the age of 18.

Section 4(2) to (4) of the Act makes provision in relation to a defence to such a charge. The defence is that the accused believed the customer to be over 18 and had been shown a valid passport, EU photo driving licence or other prescribed document and that the document shown would have convinced a reasonable person as to the customer’s age.

These Regulations prescribe a photographic identity card bearing the national Proof of Age Standards Scheme hologram as an additional form of acceptable identification (regulation 2).

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