



# Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016

## 2016 asp 14

### PART 1

#### TOBACCO, NICOTINE VAPOUR PRODUCTS AND SMOKING

### CHAPTER 1

#### SALE AND PURCHASE OF TOBACCO AND NICOTINE VAPOUR PRODUCTS

##### *Sale and purchase of tobacco and nicotine vapour products*

## 5 Defence of due diligence for certain offences

After section 4C of the 2010 Act (inserted by section 4) insert—

### “4D Defence of due diligence for certain offences

- (1) It is a defence for a person charged with an offence to which this section applies to prove that the person (or any employee or agent of the person) took all reasonable precautions and exercised all due diligence to prevent the offence being committed.
- (2) This section applies to an offence under any of the following provisions of this Act—
  - (a) section 4(1),
  - (b) section 4A(1),
  - (c) section 4C(1).”.

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#### Commencement Information

**II** [S. 5](#) in force at 1.4.2017 by [S.S.I. 2017/12](#), reg. 2, [sch.](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016, Section 5.