

EXECUTIVE NOTE
THE SALE OF TOBACCO (PRESCRIBED DOCUMENT) REGULATIONS
2010
SSI 2010/406

The above instrument was made in exercise of the powers conferred by section 4(4) of the Tobacco and Primary Medical Services (Scotland) Act 2010 (“the Act”). This instrument is subject to negative resolution procedure.

Policy Objectives

Section 4 of the Act restates, with modifications, the offence in section 18 of the Children and Young Persons (Scotland) Act 1937 of selling tobacco products to under 18s. A retailer will have a defence to this offence if he/she believed at the time of sale that the customer was over 18 and showed acceptable proof of identification. The Act lists what would be acceptable as proof of identification, which includes a passport or driving licence. Ministers are given the power to set out in regulations other documents as acceptable forms of ID.

The Tobacco and Primary Medical Services (Scotland) Act 2010 (Prescribed Document) Regulations 2010 allow the use of a photographic identity card bearing the national Proof of Age Standards Scheme hologram as verification of a person’s age in relation to tobacco sales. This allows persons wishing to purchase tobacco to use cards such as the Young Scot National Entitlement Card as a form of ID.

It is intended that these regulations will take effect from 1 April 2011.

Consultation

The Tobacco and Primary Medical Services (Scotland) Act 2010 has a number of regulation-making powers. A consultation on five sets of draft regulations to be made under the Act began on 27 April and ran through until 20 July 2010. The Scottish Government received nearly 500 responses to the consultation from individuals and organisations.

Financial effects

A Regulatory Impact Assessment was carried out in relation to the tobacco sales registration scheme. It was deemed that there would be no additional burden on business as a result of these regulations. A copy of the RIA can be accessed at: <http://www.scotland.gov.uk/Publications/2009/02/27120518/0>