

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe documents and descriptions of documents which may be used for proof of age for the purposes of section 4A of the Tobacco and Primary Medical Services (Scotland) Act 2010 (“the Act”).

It is an offence to sell a nicotine vapour product to a person under the age of 18 by virtue of section 4A of the Act. Under section 4A(2) it is a defence to a charge under section 4A(1) that the accused believed the person under the age of 18 to be aged 18 or over and the accused had taken reasonable steps to establish that person’s age. Section 4A(4) provides that a passport or a European Union photocard driving licence may be used to establish the person’s age for the purpose of section 4A(2)(b). These Regulations prescribe additional forms of identification which may be used for that purpose.