



# Tobacco and Primary Medical Services (Scotland) Act 2010

2010 asp 3

## PART 1

### TOBACCO PRODUCTS ETC.

#### CHAPTER 1

##### DISPLAY, SALE AND PURCHASE OF TOBACCO PRODUCTS

###### *Miscellaneous*

- 7 Confiscation of tobacco products from persons under 18**
- (1) Where a constable has reasonable grounds for suspecting that a person in a public place—
    - (a) is under the age of 18, and
    - (b) is in possession of a tobacco product or cigarette papers,the constable may require the person to surrender the tobacco product or, as the case may be, the cigarette papers to the constable.
  - (2) A constable making a requirement under subsection (1) may also require the person to supply the constable with the person's name and address.
  - (3) Where a constable makes a requirement under subsection (1) the constable must inform the person concerned—
    - (a) of the constable's suspicion, and
    - (b) of the fact that failure to comply with a requirement made under subsection (1) or (2) is an offence.
  - (4) A constable may arrest without warrant any person who fails to comply with a requirement made under subsection (1).

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*Status: This is the original version (as it was originally enacted).*

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- (5) A person who fails to comply with a requirement made under subsection (1) or (2) commits an offence.
- (6) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (7) The constable may dispose of any tobacco product or cigarette papers surrendered to the constable in such manner as the constable considers appropriate.
- (8) In this section “public place” includes—
  - (a) any place to which the public have access for the time being (whether on payment of a fee or otherwise), and
  - (b) any place to which the public do not have access but to which the person mentioned in subsection (1) has unlawfully gained access.

## **8 Display of warning statements**

- (1) A person who carries on a tobacco business must display a notice in accordance with subsection (2) in any premises where that business is carried on.
- (2) The notice must—
  - (a) contain the following statement—

“It is illegal to sell tobacco products to anyone under the age of 18”, and
  - (b) be displayed in a prominent position in the premises where the statement is readily visible to persons at the point of sale of the tobacco products.
- (3) A person who fails, without reasonable excuse, to comply with subsection (1) commits an offence.
- (4) A person guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) The Scottish Ministers may prescribe the dimensions of the notice to be displayed in accordance with this section and the size of the statement to be displayed on it.

## **9 Prohibition of vending machines for the sale of tobacco products**

- (1) A person who has the management or control of premises on which a vending machine is available for use commits an offence.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (3) In this section, “vending machine” means an automatic machine for the sale of tobacco products (regardless of whether the machine also sells other products).