



Tobacco and Primary Medical Services (Scotland) Act 2010

2010 asp 3

PART 1

[^{F1}TOBACCO AND NICOTINE VAPOUR PRODUCTS ETC.]

CHAPTER 1

[^{F1}DISPLAY, SALE AND PURCHASE]

[^{F1}Sale and purchase of tobacco and nicotine vapour products]

[^{F1}4A Sale of nicotine vapour products to persons under 18

- (1) A person who sells a nicotine vapour product to a person under the age of 18 commits an offence.
- (2) It is a defence to a charge in proceedings against a person (“the accused”) under subsection (1) that—
 - (a) the accused believed the person under the age of 18 (“the customer”) to be aged 18 or over, and
 - (b) the accused had taken reasonable steps to establish the customer's age.
- (3) For the purposes of subsection (2)(b), the accused is to be treated as having taken reasonable steps to establish the customer's age if and only if—
 - (a) the accused was shown any of the documents mentioned in subsection (4), and
 - (b) that document would have convinced a reasonable person as to the customer's age.
- (4) The documents referred to in subsection (3)(a) are any document bearing to be—
 - (a) a passport,
 - [a UK driving licence,]
 - ^{F2}(aa)
 - (b) a European Union photocard driving licence, or

Changes to legislation: There are currently no known outstanding effects for the Tobacco and Primary Medical Services (Scotland) Act 2010, Section 4A. (See end of Document for details)

- (c) such other document, or a document of such description, as may be prescribed.
- (5) 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.]

Textual Amendments

- F1** S. 4A inserted (6.2.2017 for specified purposes, 1.4.2017 in so far as not already in force) by [Health \(Tobacco, Nicotine etc. and Care\) \(Scotland\) Act 2016 \(asp 14\)](#), ss. **2(1)**, 36(2); S.S.I. 2017/12, reg. 2, sch.
- F2** S. 4A(4)(aa) inserted (31.12.2020) by [The Public Health and Tobacco \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/142\)](#), regs. 1, **3(3)**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

There are currently no known outstanding effects for the Tobacco and Primary Medical Services (Scotland) Act 2010, Section 4A.