



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

4 Sale by persons under 18

After section 4B of the 2010 Act (inserted by section 3) insert—

“4C Sale of tobacco or nicotine vapour products by persons under 18

- (1) A responsible person who allows a tobacco product, cigarette papers or a nicotine vapour product to be sold by a person under the age of 18 commits an offence.
- (2) For the purposes of subsection (1), “responsible person” means—
 - (a) where the sale is at premises which are noted in a registered person’s entry in the Register, the registered person for those premises,
 - (b) where the sale is at premises which are not noted in a registered person’s entry in the Register—
 - (i) any employer of the person who made the sale, and
 - (ii) any other person having management or control of those premises.
- (3) Subsection (1) does not apply to a sale which—

Status: This is the original version (as it was originally enacted).

- (a) is made at premises which are noted in a registered person's entry in the Register, and
 - (b) is authorised by the registered person for those premises.
- (4) Each authorisation mentioned in subsection (3)(b) must be recorded and kept at the premises at which a sale by a person under the age of 18 is made.
- (5) The Scottish Ministers may prescribe—
 - (a) the form and content of authorisations made under subsection (3)(b),
 - (b) the method of recording authorisations for the purposes of subsection (4).
- (6) An authorisation is, for the purposes of subsection (3)(b), deemed not to have been made, if—
 - (a) it is not recorded and kept in accordance with subsection (4), or
 - (b) it is not made in accordance with any provision made under subsection (5).
- (7) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 1 on the standard scale.”.