



# Protection of Workers (Retail and Age-restricted Goods and Services) (Scotland) Act 2021

## 2021 asp 6

### **3 Aggravation in relation to enforcement of statutory age restriction**

- (1) This section applies where, in proceedings for an offence under section 1, it is—
  - (a) specified in the complaint that the offence is aggravated by reason of the retail worker's enforcing a statutory age restriction, and
  - (b) proved that the offence is so aggravated.
- (2) The offence is so aggravated if the behaviour constituting the offence occurred because of the enforcement of a statutory age restriction.
- (3) Evidence from a single source is sufficient to prove that the offence is so aggravated.
- (4) Where this section applies, the court must—
  - (a) state on conviction that the offence is so aggravated,
  - (b) record the conviction in a way that shows that the offence is so aggravated,
  - (c) take the aggravation into account in determining the appropriate sentence, and
  - (d) state—
    - (i) where the sentence imposed in respect of the offence is different from that which the court would have imposed if the offence were not so aggravated, the extent of and the reasons for that difference, or
    - (ii) otherwise, the reasons for there being no such difference.
- (5) In this section—

“enforcement”, in relation to a statutory age restriction, includes—

  - (a) seeking information as to a person's age,
  - (b) considering information as to a person's age,
  - (c) refusing to sell or supply goods or services,

for the purposes of complying with the restriction (and “enforcing” is to be construed accordingly),

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**Changes to legislation:** *There are currently no known outstanding effects for the Protection of Workers (Retail and Age-restricted Goods and Services) (Scotland) Act 2021, Section 3. (See end of Document for details)*

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“statutory age restriction” means a provision in an enactment making it an offence to sell or supply goods or services to a person under an age specified in that or another enactment.

**Changes to legislation:**

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