
EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 4(1) of the Tobacco and Primary Medical Services (Scotland) Act 2010 (“the Act”) provides that it is an offence to sell a tobacco product or cigarette papers to a person under the age of 18.

Section 4(2) to (4) of the Act provides a defence to such a charge. The defence is that the accused believed the customer to be 18 or over and had been shown a document bearing to be a passport, EU photocard driving licence or other prescribed document and that the document shown would have convinced a reasonable person as to the customer’s age.

Regulation 2 of these Regulations prescribes additional forms of acceptable identification.

These are—

- (a) a Defence Identity Card issued by the Ministry of Defence;
- (b) a photographic identity card bearing the national Proof of Age Standards Scheme hologram;
- (c) a national identity card issued by an EU state (other than the UK), Norway, Iceland, Liechtenstein or Switzerland; and
- (d) a Biometric Immigration Document.

Regulation 3 revokes the Sale of Tobacco (Prescribed Document) Regulations 2010 which prescribed only (b) above as an additional form of acceptable identification.