

**2019 No. 142**

**EXITING THE EUROPEAN UNION**

**PUBLIC HEALTH**

**The Public Health and Tobacco (EU Exit) (Scotland)  
(Amendment) Regulations 2019**

*Made* - - - - - *17th April 2019*

*Laid before the Scottish Parliament* *23rd April 2019*

*Coming into force in accordance with regulation 1*

The Scottish Ministers make the following Regulations in exercise of the powers conferred on them by paragraph 1(1) and (3) of schedule 2 of the European Union (Withdrawal) Act 2018<sup>(a)</sup> and all other powers enabling them to do so.

**Citation and commencement**

1. These Regulations may be cited as the Public Health and Tobacco (EU Exit) (Scotland) (Amendment) Regulations 2019 and come into force on exit day.

**Amendment of the Public Health etc. (Scotland) Act 2008**

2.—(1) The Public Health etc. (Scotland) Act 2008<sup>(b)</sup> is amended as follows.

(2) In section 95(4) (prohibition on allowing use of sunbeds by persons under 18) after paragraph (a) insert—

“(aa) a UK driving licence,”.

(3) In section 96(5) (prohibition on sale or hire of sunbeds to persons under 18) after paragraph (a) insert—

“(aa) a UK driving licence,”.

**Amendment of the Tobacco and Primary Medical Services (Scotland) Act 2010**

3.—(1) The Tobacco and Primary Medical Services (Scotland) Act 2010<sup>(c)</sup> is amended as follows.

(2) In section 4(4) (sale of tobacco products to persons under 18) after paragraph (a) insert—

“(aa) a UK driving licence,”.

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(a) 2018 c.16.  
(b) 2008 asp 5.  
(c) 2010 asp 3.

(3) In section 4A(4)(a) (sale of nicotine vapour products to persons under 18) after paragraph (a) insert—

“(aa) a UK driving licence,”.

**Amendment of the Public Health etc. (Scotland) Act 2008 (Sunbed) Regulations 2009**

4. In regulation 2(c) of the Public Health etc. (Scotland) Act 2008 (Sunbed) Regulations 2009(b) (prescribed documents) omit “(other than the United Kingdom)”.

**Amendment of the Sale of Tobacco (Prescribed Documents) (Scotland) Regulations 2013**

5. In regulation 2(c) of the Sale of Tobacco (Prescribed Documents) (Scotland) Regulations 2013(c) (sale of tobacco products to persons under 18 – prescribed documents) omit “(other than the United Kingdom)”.

**Amendment of the Sale of Nicotine Vapour Products (Prescribed Documents) (Scotland) Regulations 2017**

6. In regulation 2(c) of the Sale of Nicotine Vapour Products (Prescribed Documents) (Scotland) Regulations 2017(d) (sale of nicotine vapour products to persons under 18: prescribed documents) omit “(other than the United Kingdom)”.

*JOE FITZPATRICK*

Authorised to sign by the Scottish Ministers

St Andrew’s House,  
Edinburgh  
17th April 2019

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(a) Section 4A was inserted by the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016, asp 14, section 2(1).  
(b) S.S.I. 2009/388 as amended by S.S.I. 2013/201.  
(c) S.S.I. 2013/ 202.  
(d) S.S.I. 2017/13.

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations are made in exercise of the powers conferred by paragraph 1(1) and (3) of schedule 2 of the European Union (Withdrawal) Act 2018 (c.16) in order to address deficiencies (as defined in section 8(2) and (3) of that Act) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to primary and subordinate legislation in the field of public health in respect of proof of age and identification requirements where restrictions on the hire and use of sunbeds by persons under 18 and the sale of tobacco and nicotine products to such persons apply.

An impact assessment has not been produced for this instrument as no significant impact on the private or voluntary sector is foreseen.

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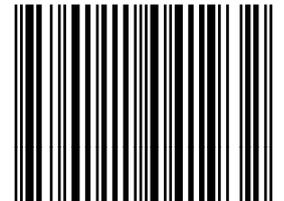
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