

**2017 No. 50**

**PUBLIC HEALTH**

**The Sale of Tobacco and Nicotine Vapour Products by Persons  
Under 18 (Scotland) Regulations 2017**

*Made* - - - - *23rd February 2017*

*Laid before the Scottish Parliament* *27th February 2017*

*Coming into force* - - *1st April 2017*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 4C(5)(a) of the Tobacco and Primary Medical Services (Scotland) Act 2010(a) and all other powers enabling them to do so.

**Citation, commencement and interpretation**

1. These Regulations may be cited as the Sale of Tobacco and Nicotine Vapour Products by Persons Under 18 (Scotland) Regulations 2017 and come into force on 1st April 2017.

**Sale of tobacco and nicotine vapour products by persons under 18**

2.—(1) An authorisation made under section 4C(3)(b) of the Tobacco and Primary Medical Services (Scotland) Act 2010 (authorisation for sale of tobacco or nicotine vapour products by persons under 18) must—

- (a) be made in writing;
- (b) be signed by the responsible person(b) and the person under the age of 18 who is to sell the tobacco product, cigarette papers or nicotine vapour product; and
- (c) contain the information mentioned in paragraph (2).

(2) The information is—

- (a) the name and date of birth of the person under the age of 18 who is to sell the tobacco product, cigarette papers or nicotine vapour product (“the staff member”);
- (b) the name and address of the premises at which the tobacco product, cigarette papers or nicotine vapour product is to be sold;
- (c) the name of the registered person(c);

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(a) 2010 asp 3 (“the 2010 Act”). Section 4C was inserted by the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 (asp 14), section 4.  
(b) Section 4C(2) of the 2010 Act defines “responsible person” for the purposes of section 4C(1) of the 2010 Act.  
(c) “Registered” means entered in the Register of tobacco and nicotine vapour product retailers by virtue of section 10 of the 2010 Act.

- (d) a statement that the staff member is authorised by the responsible person to sell tobacco products, cigarette papers or a nicotine vapour product.

St Andrew's House,  
Edinburgh  
23rd February 2017

*AILEEN CAMPBELL*  
Authorised to sign by the Scottish Ministers

## **EXPLANATORY NOTE**

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

These Regulations prescribe the form and content of authorisations for the sale of tobacco products, cigarette papers or nicotine vapour products by persons under the age of 18 for the purposes of section 4C of the Tobacco and Primary Medical Services (Scotland) Act 2010 (“the Act”). It is an offence, under section 4C(1) of the Act, for a responsible person to allow a tobacco product, cigarette papers or nicotine vapour products to be sold by persons under 18 unless the sale is made at premises noted in the register of tobacco and nicotine vapour product retailers and is authorised by the registered person for those premises. A person found guilty of an offence under section 4C(1) is liable on summary conviction to a fine not exceeding level 1 on the standard scale.

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