



# 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*

## **2 Sale of nicotine vapour products to persons under 18**

(1) After section 4 of the 2010 Act insert—

### **“4A Sale of nicotine vapour products to persons under 18**

- (1) A person who sells a nicotine vapour product to a person under the age of 18 commits an offence.
- (2) It is a defence to a charge in proceedings against a person (“the accused”) under subsection (1) that—
  - (a) the accused believed the person under the age of 18 (“the customer”) to be aged 18 or over, and
  - (b) the accused had taken reasonable steps to establish the customer’s age.
- (3) For the purposes of subsection (2)(b), the accused is to be treated as having taken reasonable steps to establish the customer’s age if and only if—
  - (a) the accused was shown any of the documents mentioned in subsection (4), and
  - (b) that document would have convinced a reasonable person as to the customer’s age.

*Status: This is the original version (as it was originally enacted).*

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- (4) The documents referred to in subsection (3)(a) are any document bearing to be—
- (a) a passport,
  - (b) a European Union photocard driving licence, or
  - (c) such other document, or a document of such description, as may be prescribed.
- (5) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.”.
- (2) The italic heading immediately preceding section 4 of the 2010 Act becomes “*Sale and purchase of tobacco and nicotine vapour products*”.