



Children and Young Persons (Protection from Tobacco) Act 1991

1991 CHAPTER 23

2 Amendment of section 18 of the Children and Young Persons (Scotland) Act 1937

- (1) Section 18 of the Children and Young Persons (Scotland) Act 1937 (sale of tobacco, etc. to persons under 16) shall be amended as follows.
- (2) In subsection (1)—
 - (a) the word “apparently” shall be omitted; and
 - (b) for the words from “on summary conviction” onwards there shall be substituted “on summary conviction to a fine not exceeding level 4 on the standard scale.”
- (3) After subsection (1) there shall be inserted—

“(1A) It shall be a defence for a person charged with an offence under subsection (1) above to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.”
- (4) In subsection (2)—
 - (a) for “is being extensively used by persons apparently” there shall be substituted “has been used by any person”; and
 - (b) for the words from “to a fine” onwards there shall be substituted “to a fine not exceeding level 4 on the standard scale.”