



Tobacco and Primary Medical Services (Scotland) Act 2010

2010 asp 3

PART 1

[^{F1}TOBACCO AND NICOTINE VAPOUR PRODUCTS ETC.]

CHAPTER 1

[^{F1}DISPLAY, SALE AND PURCHASE]

Miscellaneous

7 **Confiscation of tobacco products from persons under 18**

- (1) Where a constable has reasonable grounds for suspecting that a person in a public place—
 - (a) is under the age of 18, and
 - (b) is in possession of a tobacco product or cigarette papers,the constable may require the person to surrender the tobacco product or, as the case may be, the cigarette papers to the constable.
- (2) A constable making a requirement under subsection (1) may also require the person to supply the constable with the person's name and address.
- (3) Where a constable makes a requirement under subsection (1) the constable must inform the person concerned—
 - (a) of the constable's suspicion, and
 - (b) of the fact that failure to comply with a requirement made under subsection (1) or (2) is an offence.

^{F1}(4)

- (5) A person who fails to comply with a requirement made under subsection (1) or (2) commits an offence.

Changes to legislation: There are currently no known outstanding effects for the Tobacco and Primary Medical Services (Scotland) Act 2010, Cross Heading: Miscellaneous. (See end of Document for details)

- (6) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (7) The constable may dispose of any tobacco product or cigarette papers surrendered to the constable in such manner as the constable considers appropriate.
- (8) In this section “public place” includes—
- (a) any place to which the public have access for the time being (whether on payment of a fee or otherwise), and
 - (b) any place to which the public do not have access but to which the person mentioned in subsection (1) has unlawfully gained access.

Textual Amendments

- F1** S. 7(4) repealed (25.1.2018) by Criminal Justice (Scotland) Act 2016 (asp 1), s. 117(2), **sch. 2 para. 23**; S.S.I. 2017/345, art. 3, sch.

Commencement Information

- I1** S. 7 in force at 1.4.2011 by S.S.I. 2010/345, art. 2, **Sch.**

8 Display of warning statements

- (1) A person who carries on a tobacco business must display a notice in accordance with subsection (2) in any premises where that business is carried on.
- (2) The notice must—
- (a) contain the following statement— “ It is illegal to sell tobacco products to anyone under the age of 18 ”, and
 - (b) be displayed in a prominent position in the premises where the statement is readily visible to persons at the point of sale of the tobacco products.
- (3) A person who fails, without reasonable excuse, to comply with subsection (1) commits an offence.
- (4) A person guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) The Scottish Ministers may prescribe the dimensions of the notice to be displayed in accordance with this section and the size of the statement to be displayed on it.

Commencement Information

- I2** S. 8 in force at 24.10.2010 for specified purposes and 1.4.2011 in so far as not already in force by S.S.I. 2010/345, art. 2, **Sch.**

9 Prohibition of vending machines for the sale of tobacco products

- [^{F2}(1) A person who has the management or control of premises on which a vending machine is available for use commits an offence.
- (2) 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.

Changes to legislation: There are currently no known outstanding effects for the Tobacco and Primary Medical Services (Scotland) Act 2010, Cross Heading: Miscellaneous. (See end of Document for details)

- (3) In this section, “vending machine” means an automatic machine for the sale of tobacco [^{F3}or nicotine vapour] products (regardless of whether the machine also sells other products).]

Textual Amendments

F2 S. 9 repealed and re-enacted (20.3.2013) by [The Tobacco and Primary Medical Services \(Scotland\) Act 2010 \(Incidental Provision and Commencement No. 4\) Order 2013 \(S.S.I. 2013/106\)](#), **art. 1(1), 2(2)(3)**

F3 Words in s. 9(3) inserted (25.1.2018) by [The Sale of Nicotine Vapour Products \(Vending Machines\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/422\)](#), regs. 1, 2

Commencement Information

I3 S. 9 in force at 29.4.2013 by [S.S.I. 2013/106](#), **art. 3**

Changes to legislation:

There are currently no known outstanding effects for the Tobacco and Primary Medical Services (Scotland) Act 2010, Cross Heading: Miscellaneous.