
**THE NEW LAWS
ON THE SALE
AND PURCHASE
OF TOBACCO.**

Retailer regulations.



Contents.

The new laws.	3.
Why are the laws changing?	3.
How to register as a tobacco retailer.	5.
How to comply with the new legislation.	5.
The consequences of not complying.	7.
Preparing your staff.	7.
How the changes affect your customers.	7.
Find out more.	8.



The new laws.

From 1st April 2011, the Scottish Government is bringing new legislation into force as part of the Tobacco and Primary Medical Services (Scotland) Act 2010, which aims to make tobacco products (which means a product consisting wholly or partly of tobacco and intended to be smoked, sniffed, sucked or chewed), less available to children and young people under 18. From this date, retailers can begin to sign up to the Scottish Tobacco Retailer Register. After the 1st October 2011, it will be illegal for retailers to sell tobacco products if they are not registered. Retailers will be required to display a banning order where they have been banned from selling tobacco.

It is already illegal to sell tobacco products to anyone under 18.

From 1st April 2011, it will also be illegal:

- for under 18s to buy or attempt to buy tobacco products
- for under 18s found in possession of tobacco in a public place to refuse to hand over the tobacco to the police or to give their name and address
- for anyone aged 18 or over to buy or attempt to buy tobacco products for anyone under 18

Anyone who breaks these new laws could face a fine, prosecution and a criminal record. The new legislation sets out the documents acceptable as proof of age to be used where there is doubt that a customer attempting to buy tobacco is over 18. These are a passport, a photocard driving licence or a photographic identity card bearing the National Proof of Age Standards Scheme hologram such as the Young Scot National Entitlement Card.

Why are the laws changing?

We know that smoking is harmful and that most adult smokers began smoking in their teenage years. An estimated 47,000 under 18s smoke and around 15,000 young people take up the habit each year in Scotland.

These changes in law are designed to discourage people at this early stage and help prevent them from becoming addicted and experiencing the serious health dangers of smoking. We believe these law changes will be hugely beneficial to Scotland's health.

The registration scheme gives a wider range of tools to Trading Standards which will help them in enforcing age restriction laws. A new offence has been created that will assist in tackling illicit tobacco sellers and help protect legitimate Scottish businesses that sell tobacco. For the first time under tobacco sales law, those found to be selling tobacco illicitly could be fined up to £20,000 and sent to prison for up to six months.



How to register as a tobacco retailer.

To continue selling tobacco products, you will have to sign up to the Scottish Tobacco Retailer Register. The register will be open from 1st April, but you are able to sign up until 1st October 2011, giving you a full six months to join. After this date, it will be illegal to sell tobacco products if you are not on the Retailer Register.

Registration is quick, easy, free and can be done in a number of ways. Firstly, you can register on the Scottish Tobacco Retailer Register homepage at www.tobaccoregisterscotland.org and complete our web-based form.

You can also register on paper by downloading the registration form or requesting a paper copy of the form by calling your local Trading Standards on the number provided in the letter enclosed. Copies of the form can also be requested by calling **0131 244 2169**. Once completed, send

the form to the Scottish Government, Tobacco Control Team, Area 3EN, St Andrew's House, Regent Road, Edinburgh, EH1 3DG.

When you register you will need a few details handy, such as your Companies House registration number, floor area (m²) of your business premises (which excludes any part of the premises not used for the serving of customers in connection with the sale of goods nor for the display of goods) and the Local Authority within which your premises operates.

Don't worry if you have more than one retail premises, the system has the facility to enable you to complete just one form and then add additional premises.

There is no public access to any personal information contained in the Register.

How to comply with the new legislation.

From 1st April 2011:

- you can sign up to the Scottish Tobacco Retailer Register. You will be able to register until 1st October 2011. After this date, it will be illegal to sell tobacco products if you are not on the Retailer Register
- it remains illegal to sell tobacco products to anyone under the age of 18 (existing schemes such as "Challenge 25" will help you to comply with this new law)
- you must continue to display existing signage stating that it is illegal to sell tobacco products to anyone under the age of 18 – the continued use of this signage is compatible with the requirements of the new legislation. You are encouraged to supplement this signage with the additional materials provided to publicise the new regulations (although it is not compulsory to do so). If you require further specific advice in relation to the signage required to comply with the sale of tobacco products, you should direct your enquiries to your local Trading Standards office

- if you do not already do so, you may also find it helpful to maintain a sales refusal book which can be used to demonstrate due diligence – see Young Scot website in the "Find out more section" at the end of this booklet which provides a link on how to order a free proof of age information pack that includes a sales refusal book
- to keep the register up to date, you are required to notify the Scottish Government of any changes in your particulars such as a change in a person's name or address or the fact that the person is no longer carrying on a tobacco business at an address noted in the person's entry in the Register. This notice should be given within 3 months of the change to which it relates

New legislation signage

We have enclosed a selection of signs for you to use.

We've included:

- a poster for customers
- a window / door vinyl

The new signage is available to download from www.tobaccoregisterscotland.org



The consequences of not complying.

There are serious consequences for retailers who are not in compliance with the new smoking legislation. The Tobacco and Primary Medical Services (Scotland) Act 2010 gives powers to Trading Standard Officers to issue fixed penalty notices for offences, including selling tobacco to under 18s and not being on the Retailer Register. If a retailer is found to be in breach of tobacco sales legislation three times within a two year period, a Local Authority can apply to the courts to have the retailer banned from selling tobacco.

For the first time under tobacco sales laws, those found to be selling tobacco illicitly by not being on the Register can be fined up to £20,000 and sent to prison for six months.

Preparing your staff.

It is important to inform your staff of the new laws and to ensure they know how to comply.

What you should do:

- Inform your staff about the change in the law
- Train staff on how to ask for proof of age on tobacco sales
- You may wish to keep a record of the training and ask staff members to sign to say that they have understood it fully
- Staff should be made aware that they may be personally liable if they do not comply with the new laws

How the changes affect your customers.

The new tobacco legislation will affect customers wishing to buy tobacco products. The customers most affected by this new legislation are under 18s. They will need to be aware that these are tougher laws and of the serious consequences of buying or attempting to buy tobacco products. It will also be an offence if a person under the age of 18 refuses to hand over the tobacco or give their name and address to the police when found to be in possession of tobacco products in a public place.

The legislation also affects those who are 18 or over, as not only will they need to know that the new legislation might require them to carry proof of age in order to buy tobacco products, but they also need to be aware of the legal repercussions if they were to purchase tobacco products for anyone under 18.

We have enclosed display materials to help you keep all your customers informed of the new legislation.

Find out more.

We hope this pack will give you all the information you'll need regarding the new tobacco legislation. However, if you'd like to find out more about the new laws, contact your local Trading Standards office or the Scottish Government Tobacco Control Team on **0131 244 2169** or email **tobaccocontrolteam@scotland.gsi.gov.uk** for advice on the Retailer Register or any other provisions of the Act. More information on the legislation can be found at **www.scotland.gov.uk**

Your retail trade association, if you are a member of one, may also be able to help you if you have any questions or concerns about the new legislation or its enforcement.

Other useful websites

www.ashscotland.org.uk

www.nhsnss.org

www.youngscot.org/pass



Alternative formats and community language versions of this document are available on request at the address below.

Scottish Government,
Tobacco Control Team,
Area 3EN,
St Andrew's House, Regent Road,
Edinburgh, EH1 3DG.

Tel: 0131 244 2169
Fax: 0131 244 2157

Website to register: www.tobaccoregisterscotland.org
Website for further information: www.scotland.gov.uk

