



National Health Service in Scotland
Management Executive

St. Andrew's House
Edinburgh EH1 3DG

CHILDREN AND YOUNG PERSONS
(PROTECTION FROM TOBACCO) ACT 1991

SUMMARY

1. The Scottish Office Home and Health Department Circular No 1992 (GEN)9 of 11 March 1992, which described the programme for the implementation of this Act, explained that Section 4 would be brought into force on a date to be arranged. The attached circular outlines the arrangements which have now been made to implement the provisions of Section 4.

ACTION

2. Health Board General Managers are asked to note the contents of the attached circular and circulate, as appropriate, for information.

Yours sincerely

DAVID R STEEL
Director of Administration

25 February 1993

Addressees:

For action:
General Managers,
Health Boards

Chief Executives,
NHS Trusts

For information:
General Manager,
Common Services Agency
General Manager,
State Hospital

General Manager,
Health Education Board
for Scotland

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THE SCOTTISH OFFICE

superseded by (1993)23

Home and Health Department

St. Andrew's House
Edinburgh EH1 3DE

Circular No HHD1/93

Previous Circular: SHHD No 1992(GEN)9

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The Clerk of Justiciary
Sheriff Clerks
Clerks to the District Courts
The Chief Executive, Regional,
Islands and District Councils
Chief Constables
Directors of Education
Directors of Social Work
Directors of Trading Standards
Directors of Environmental Health

COMMON SERVICES AGENCY	
RECEIVED	
- 1 MAR 1993	
FILE NO.	

Our ref: GGN/1/3

9 February 1993

Chief Executive, NHS in Scotland)
Chairmen of Children's Panels) for information
Regional Reporters of Children's Panels)

Dear Sir/Madam

CHILDREN AND YOUNG PERSONS (PROTECTION FROM TOBACCO) ACT 1991

1. The Scottish Office Home and Health Department Circular No 1992(GEN)9 of 11 March 1992, which described the programme for the implementation of this Act, explained that Section 4 would be brought into force on a date to be arranged. This Circular outlines the arrangements which have now been made to implement the provisions of Section 4.

Commencement

2. The Children and Young Persons (Protection from Tobacco) Act 1991 (Commencement No.3) Order 1992 is bringing Section 4 into force as follows:

- a. sub-sections (3) and (9) on 17 December 1992, and
- b. sub-sections (1), (2), (4), (5), (6), (7) and (8) on 20 February 1993.

Section 4

3. Section 4 requires the display of warning statements in retail premises and on vending machines. In particular, a notice displaying the following statement -

"It is illegal to sell tobacco products to anyone under the age of 16"

must be exhibited at every premises at which tobacco is sold by retail, and must be so exhibited in a prominent position where the statement is readily visible to persons at the point of sale. A notice displaying the following statement -

"This machine is only for the use of people aged 16 and over"

must be exhibited on every automatic machine for the sale of tobacco which is kept available for use as such at any premises, and must be so exhibited in such a way that the statement is readily visible to persons using the machine. Section 4(1) makes it an offence to fail to display such notices and section 4(4) provides that any person found guilty of an offence under section 4(1) will be liable on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1,000).

4. Section 4 (3) provides that the dimensions of the notices and the size of the statements to be displayed on them, are to be prescribed by regulations. The Protection from Tobacco (Display of Warning Statements) Regulations 1992 were made on 17 December 1992 after an extensive consultation process, and come into force on 20 February 1993. A copy is enclosed. From that date, the relevant notices must be displayed in all premises at which tobacco is sold by retail and on every automatic machine for the sale of tobacco. Specimen notices and other guidance prepared by this Department are being sent to retailers and vending machine operators or owners of premises where a vending machine is kept. But it will be open to retailers and vending machine operators to produce their own notices or arrange to obtain supplies from other sources, provided the requirements of the Act and the Regulations are met. They may also freely copy the Department's notices or obtain additional copies on request.

5. Section 4(5) provides a defence for a person who can prove that he or she took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

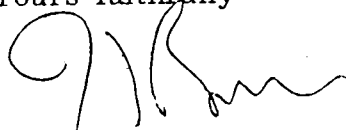
Enforcement

6. Section 6 of the Act places a duty on regional and islands councils to consider at least once every 12 months the extent to which they should carry out a programme of enforcement action relating to Section 18 of the Children and Young Persons (Scotland) Act 1937 and Sections 3 and 4 of the 1991 Act. Guidance on the exercise of this duty and its bearing on Section 4 was given in Circular No 1992(GEN)9.

Enquiries

7. Any enquiries about this Circular should be addressed to Mr J Helm or Ms D Barron at this address (telephone: 031 244 2448 or 031 244 2502).

Yours faithfully



J T BROWN