

**PE1456/A**

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Mr Andrew Howlett  
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Your ref: «Yourref»  
Our ref:  
29 January 2013

Dear Mr Howlett

## **CONSIDERATION OF PETITION PE1456**

Thank you for your letter of 9 January 2013 requesting comments on the question raised by the Committee regarding Petition PE1456 by Mr Scott Anderson. Mr Anderson is calling on the Scottish Parliament to urge the Scottish Government to take a further step towards a smoking-free Scotland by introducing a requirement for individuals to obtain a renewable licence to allow them to purchase tobacco products. As policy lead for tobacco control at the Scottish Government I have been asked to respond.

Specific question posed by the Committee:-

- **What are your views on what the petition seeks? Has a licensing scheme for tobacco been considered previously?**

The Scottish Government has no plans to introduce a licensing scheme for tobacco products relating to individuals, such as that proposed by the petitioner, nor has there been any previous consideration of such a scheme. We are not aware of any evidence of such a scheme elsewhere in the UK, or internationally. With regard to the Committee's discussion about legal advice on the merits of such a scheme, it would not be appropriate for the Scottish Government to provide this to the Committee.

Tobacco control schemes across the world tend to focus on the retailer and the selling of tobacco, with provisions setting out a minimum age for tobacco purchase and this is the approach that we have favoured in Scotland. We believe the emphasis on the control of the selling of tobacco products must rest with those who sell the product rather than those who purchase and thus avoiding the stigmatization of the smoker.

The possibility of a licensing scheme for tobacco retailers was discussed prior to the introduction of the Primary and Medical Services (Scotland) Act 2010, but this scheme was considered to be too burdensome on authorities and retailers in terms of the administration processes and also the cost.

However, following on from these discussions Scotland was the first country in the UK to have introduced a retail register (April 2011) allowing tobacco retailers to be clearly identified, and enabling trading standards officers and others to offer advice and support to avoid illegal sales. The Tobacco Retail Register offers a proportionate response to the selling of tobacco products, is administratively simple with limited bureaucracy and places minimum burden on business at no cost. For the first time under tobacco sales law, those found to be selling illicitly could be fined up to £20,000 and sent to prison for up to six months.

The Scottish Government is committed to maintaining Scotland's position as a world leader on tobacco control and has ambitious plans to build on existing tobacco control measures and others soon to be implemented such as an end to tobacco displays in shops and cigarette sales from vending machines. Specifically, the Scottish Government is due to publish a new smoking strategy early this year which will focus on prevention and cessation and include ambitious targets for reducing smoking across Scotland.

Yours sincerely

**JOHN GLEN**  
Tobacco Control Team