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John Glen Esq
Scottish Executive Health Department
Tobacco Control Division
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Edinburgh EH1 3DG

Dear Mr Glen

Consultation on the Draft Smoking, Health and Social Care (Scotland) Act 2005 (Variation of Age Limit for Sale of Tobacco Purchase and Consequential Modifications) Order 2007

We are responding to the above consultation on behalf of the principal members of the Tobacco Manufacturers' Association (TMA) - British American Tobacco¹, Gallaher Ltd and Imperial Tobacco Limited (UK). Some of those members may also choose to respond to the consultation in their own right. We enclose a completed Respondent Information Form.

We have responded separately to the consultation on the report (the Report) of the Smoking Prevention Working Group (published on 22 November 2006): "Towards a Future Without Tobacco". Recommendation 7 of the Report proposes the raising of the minimum age of purchase of tobacco products from 16 to 18 years old, and having a sufficient transition period to prepare retailers and consumers for this change. For ease of reference, we enclose an extract from our response (the Response) dated 22 February 2007 to the consultation on the Report in relation to Recommendation 7, as well as to Recommendations 5 and 6 therein as these Recommendations are inter-linked.

With regard to the above-referenced consultation on the draft Order, we would reiterate the points contained in the enclosed extract from our Response and emphasise:

- the importance which TMA member companies attach to the prohibition of sales of tobacco products to those below the legal minimum age of purchase being fully respected and observed at all times, as well as being actively enforced by the relevant authorities;
- the importance of retailers being provided with all help possible to enable them to fully understand and to implement the law effectively;

¹ British American Tobacco: British American Tobacco (Holdings) Limited and British American Tobacco UK Limited

- the significant role that proof-of-age schemes, such as Young Scot, CitizenCard and the 'No ID, No Sale' campaign, play in facilitating retailers' compliance with the law; and
- the intention of the TMA and its member companies to continue to provide whatever practical assistance is possible to retailers, both through their substantial support for CitizenCard/No ID No Sale and through their trade sales teams.

We agree that there should be a transition period before any new age threshold for purchase of tobacco products is brought into force to allow for any new provisions to be brought fully to the attention of retailers and young people. In our view, a transition period of at least 9 months is necessary.

Yours sincerely

TGF Lord
Chief Executive

Enclosures:

1. Completed Respondent Information Form
2. Extract from the TMA's Response dated 22 February 2007 to the consultation on the Report