

SCHEDULES

SCHEDULE 1

Section 3(1).

AMENDMENTS CONSEQUENTIAL ON SECTIONS 1 AND 2

The Children and Young Persons (Protection from Tobacco) (Northern Ireland) Order 1991 (NI 25)

1. In Article 6 of the Children and Young Persons (Protection from Tobacco) (Northern Ireland) Order 1991 (enforcement action by district councils)—
 - (a) in paragraph (1)(a), for “and Articles 4 and 5” substitute “, Articles 4 to 5 and sections 1 and 2 of the Health (Miscellaneous Provisions) Act (Northern Ireland) 2016.”;
 - (b) after paragraph (1) insert—

“(1A) Paragraph (1) applies in relation to section1 of the Health (Miscellaneous Provisions) Act (Northern Ireland) 2016 only if regulations under subsection (1) of that section are for the time being in operation.”;
 - (c) after paragraph (1A) insert—

“(1B) Paragraph (1) applies in relation to section2 of the Health (Miscellaneous Provisions) Act (Northern Ireland) 2016 only if regulations under subsection (1) of that section are for the time being in operation.”.

The Tobacco Retailers Act (Northern Ireland) 2014 (c. 4)

2. The Tobacco Retailers Act (Northern Ireland) 2014 is amended as follows.
3. In the italic heading before section 5, after “tobacco” insert “or nicotine”.
4. In section 5 (restricted premises orders)—
 - (a) in subsection (1)(a) and (b), after “tobacco” insert “or nicotine”;
 - (b) in subsection (4), for “or cigarette papers” substitute “, cigarette papers or nicotine products”;
 - (c) in subsection (5), for “or cigarette papers” substitute “, cigarette papers or nicotine products”;
 - (d) in subsection (8)(b)(i) and (ii), after “tobacco” insert “or nicotine”;
 - (e) in subsection (13)(a), after “tobacco” insert “or nicotine”;

- (f) in subsection (14)—
 - (i) for “tobacco offence” substitute “tobacco or nicotine offence”;
 - (ii) at the end of paragraph (e), omit the word “or”;
 - (iii) at the end of paragraph (f), add—
 - “(g) an offence committed under section 1 of the Health (Miscellaneous Provisions) Act (Northern Ireland) 2016 on any premises (which are accordingly “the premises in relation to which the offence is committed”);
 - (iv) at the end of paragraph (g), add—
 - “or
 - (h) an offence committed under section 2 of the Health (Miscellaneous Provisions) Act (Northern Ireland) 2016 in respect of any machine kept on any premises (which are accordingly “the premises in relation to which the offence is committed”);
- 5.** In section 6 (restricted sale orders)—
- (a) in subsection (1)(a) and (b), after “tobacco” insert “or nicotine”;
 - (b) in subsection (4)—
 - (i) in paragraph (a), for “or cigarette papers” substitute “, cigarette papers or nicotine products”;
 - (ii) in paragraph (b), for “or cigarette papers” substitute “, cigarette papers or nicotine products”;
 - (iii) in each of paragraphs (c) and (d), omit “cigarette” in each place;
 - (iv) in each of those paragraphs, after “tobacco” insert “or nicotine products”;
 - (c) in subsection (6)(a) and (b), after “tobacco” insert “or nicotine”;
 - (d) in subsection (7), after “tobacco” insert “or nicotine”;
 - (e) for subsection (8) substitute—
 - “(8) In this section any reference to a machine is a reference to an automatic machine for the sale of tobacco or nicotine products.”.
- 6.** In section 8(4) (restricted premises orders: display of notices), for “or cigarette papers” substitute “, cigarette papers or nicotine products”.
- 7.** In section 9 (restricted premises orders: no tobacco in retail area)—
- (a) in the heading, after “tobacco” insert “or nicotine products”;
 - (b) in subsection (2), for “or cigarette papers” substitute “, cigarette papers or nicotine products as the case may be”;

- (c) in subsection (3), for “and cigarette papers” substitute “, cigarette papers and nicotine products”.
- 8.** In section 10(4)(a) (offences), for “or cigarette papers” substitute “, cigarette papers or nicotine products”.
- 9.** In section 11(1)(a) (powers of entry)—
- (a) after sub-paragraph (iii) add—
- “(iv) an offence under section 1 of the Health (Miscellaneous Provisions) Act (Northern Ireland) 2016;”;
- (b) after sub-paragraph (iv) add—
- “(v) an offence under section 2 of the Health (Miscellaneous Provisions) Act (Northern Ireland) 2016.”.
- 10.** In section 12(1) (fixed penalties for certain offences)—
- (a) after paragraph (c) add—
- “(d) an offence under section 1 of the Health (Miscellaneous Provisions) Act (Northern Ireland) 2016;”;
- (b) after paragraph (d) add—
- “(e) an offence under section 2 of the Health (Miscellaneous Provisions) Act (Northern Ireland) 2016.”.
- 11.** In section 16 (council’s duty to share information about enforcement), in subsections (1)(a) and (b) and (3), after “tobacco” insert “or nicotine”;
- 12.** In section 22(1) (interpretation), insert at the appropriate place—
- ““nicotine product” means a nicotine product within the meaning of section 7 of the Health (Miscellaneous Provisions) Act (Northern Ireland) 2016 the sale of which to persons aged under 18 is for the time being prohibited by regulations under section 1(1) of that Act;”.