



# Children and Families Act 2014

## 2014 CHAPTER 6

### PART 5

#### WELFARE OF CHILDREN

##### *Tobacco, nicotine products and smoking*

#### **91 Purchase of tobacco<sup>[F1]</sup>, nicotine products<sup>[F2]</sup> etc. on behalf of persons under 18**

- (1) A person aged 18 or over who buys or attempts to buy tobacco [<sup>F2</sup>, cigarette papers or a relevant nicotine product] on behalf of an individual aged under 18 commits an offence.
- (2) Where a person is charged with an offence under this section it is a defence—
  - (a) that the person had no reason to suspect that the individual concerned was aged under 18, or
  - (b) in a case where the person has bought or attempted to buy cigarette papers, that the person had no reason to suspect that the individual concerned intended to use the papers for smoking.
- (3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (4) A local weights and measures authority in England and Wales must enforce the provisions of this section in its area.
- (5) Section 9 of, and Schedule 1 to, the Health Act 2006 (issue of fixed penalty notices in relation to certain smoking related offences) apply in relation to an offence under this section as they apply in relation to an offence under section 6(5) or 7(2) of that Act but with the following modifications—
  - (a) references to an enforcement authority are to be read as references to a local weights and measures authority;
  - (b) references to an authorised officer of an enforcement authority are to be read as references to any person authorised by a local weights and measures authority

*Changes to legislation: There are currently no known outstanding effects for the Children and Families Act 2014, Section 91. (See end of Document for details)*

(whether or not an officer of the authority) in writing, either generally or specially, to act in matters arising under this section.

[<sup>F3</sup>(c) in relation to Wales—

- (i) the reference to the Secretary of State in paragraph 4 of Schedule 1 to the Health Act 2006 is to be read as a reference to the Welsh Ministers;
- (ii) the power of the Welsh Ministers to make regulations under paragraph 4 of Schedule 1 as so applied is to be exercised by statutory instrument;
- (iii) a statutory instrument containing such regulations made by the Welsh Ministers is to be subject to annulment in pursuance of a resolution of the National Assembly for Wales.]

(6) Section 11 of, and Schedule 2 to, the Health Act 2006 (offence of obstruction of enforcement officers and powers of entry etc) apply for the purposes of this section as they apply for the purposes of Chapter 1 of Part 1 of that Act but with the following modifications—

- (a) references to an enforcement authority are to be read as references to a local weights and measures authority;
- (b) references to an authorised officer of an enforcement authority are to be read as references to any person (whether or not an officer of the authority) authorised by a local weights and measures authority in writing, either generally or specially, to act in matters arising under this section;
- (c) references to Chapter 1 of Part 1 of the Act of 2006 are to be read as references to this section;
- (d) section 11(5) is to be ignored;
- (e) paragraph 10 of Schedule 2 is to be ignored.

(7) “Tobacco” has the same meaning in this section as in section 7 of the Children and Young Persons Act 1933 (offence of selling tobacco to children).

[<sup>F4</sup>(8) In this section “relevant nicotine product” means a nicotine product within the meaning of section 92 the sale of which at the same time and in the same circumstances to the individual aged under 18 would be prohibited by regulations for the time being in force under subsection (1) of that section.]

#### Textual Amendments

- F1** Words in s. 91 heading inserted (26.3.2015) by [The Nicotine Inhaling Products \(Age of Sale and Proxy Purchasing\) Regulations 2015 \(S.I. 2015/895\)](#), regs. 1(2), **2(2)**
- F2** Words in s. 91(1) substituted (26.3.2015) by [The Nicotine Inhaling Products \(Age of Sale and Proxy Purchasing\) Regulations 2015 \(S.I. 2015/895\)](#), regs. 1(2), **2(3)**
- F3** S. 91(5)(c) inserted (1.3.2021) by [Public Health \(Wales\) Act 2017 \(anaw 2\)](#), s. 126(2), **Sch. 2 para. 17**; S.I. 2021/202, art. 2
- F4** S. 91(8) added (26.3.2015) by [The Nicotine Inhaling Products \(Age of Sale and Proxy Purchasing\) Regulations 2015 \(S.I. 2015/895\)](#), regs. 1(2), **2(4)**

#### Commencement Information

- I1** S. 91 in force at 1.10.2014 for specified purposes by [S.I. 2014/2609](#), art. 2
- I2** S. 91 in force at 1.10.2015 in so far as not already in force by [S.I. 2015/375](#), art. 3

**Changes to legislation:**

There are currently no known outstanding effects for the Children and Families Act 2014, Section 91.