

Draft Regulations laid before the Assembly under section 24(2) of the Tobacco Retailers Act (Northern Ireland) 2014 for approval

DRAFT STATUTORY RULES OF NORTHERN IRELAND

2021 No. 0000

PUBLIC HEALTH

**The Tobacco Retailer (Fixed Penalty) (Amount)
(Amendment) Regulations (Northern Ireland) 2021**

Made - - - - 00th Month 2021
Coming into operation 1st February 2022

The Department of Health makes the following Regulations, in exercise of the powers conferred by sections 12(8) and 24(3) of the Tobacco Retailers Act (Northern Ireland) 2014⁽¹⁾.

Citation and commencement

1. These Regulations may be cited as the Tobacco Retailer (Fixed Penalty) (Amount) (Amendment) Regulations (Northern Ireland) 2021 and shall come into operation on 1st February 2022.

Amendment of the Tobacco Retailer (Fixed Penalty) (Amount) Regulations (Northern Ireland) 2016

2. For the Schedule to the Tobacco Retailer (Fixed Penalty) (Amount) Regulations (Northern Ireland) 2016⁽²⁾ (amount of fixed penalty), substitute the Schedule to these Regulations.

(1) 2014 c. 4 (N.I.)
(2) S.R. 2016 No. 180

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Northern Ireland Statutory Rule: *The Tobacco Retailer (Fixed Penalty) (Amount) (Amendment) Regulations (Northern Ireland) 2021 No. 331*

Sealed with the Official Seal of the Department of Health on 00th Month 2021.



Elizabeth Redmond
A senior officer of the
Department of Health

SCHEDULE

Regulation 2

Amount of Fixed Penalty

	<i>(1) Offence</i>	<i>(2) Fixed Penalty</i>
1	An unregistered person carrying on a tobacco business (section 10(1) of the Act).	£500.00
2	A registered person carrying on a tobacco business at premises other than those noted in the person's entry in the Register (section 10(2) of the Act).	£500.00
3	A person who fails, without reasonable excuse, to comply with section 3 (duty to notify certain changes) (section 10(3) of the Act).	£50.00
4	A person who fails, without reasonable excuse, to comply with section 8(2) (in relation to the display of a notice if subject to a restricted premises order) (section 10(7) of the Act).	£100.00
5	A person who fails, without reasonable excuse, to comply with section 9(2) (in relation to removal of tobacco, cigarette papers or nicotine products from the retail area where a restricted premises order has effect) (section 10(8) of the Act).	£500.00
6	A person who sells to a person under the age of 18 any tobacco or cigarette papers, whether for his own use or not (Article 3 of the 1978 Order)(3).	£250.00
7	A person who sells to a person under the age of 18 any nicotine inhaling products, whether for his own use or not (section 1 of the Health (Miscellaneous Provisions) Act (Northern Ireland) 2016)(4).	£250.00
8	Failure to comply with a court order made in relation to the control of an automatic machine for the sale of tobacco (Article 4 of the 1978 Order).	£250.00
9	A person aged 18 or over who knowingly buys or attempts to buy tobacco, cigarette papers or a relevant nicotine product on behalf of a person under the age of 18 (Article 4A of the 1978 Order)(5).	£250.00
10	A person carrying on a retail business who sells cigarettes to any person other than pre-packed cigarettes in their original package (Article 4 of the 1991 Order).	£250.00
11	Failure to comply with the prohibition of the sale of tobacco from an automatic machine (Article 4A of the 1991 Order)(6).	£250.00

(3) Article 3 was amended by the Children and Young Persons (Sale of Tobacco etc.) Regulations (Northern Ireland) 2008 (S.R. 2008 No. 306) and section 18(2) of the Tobacco Retailers Act (Northern Ireland) 2014.

(4) 2016 c. 26 (N.I.)

(5) Article 4A was inserted by section 18(3) of the Tobacco Retailers Act (Northern Ireland) 2014.

(6) Article 4A was inserted by section 23 of the Health Act 2009 (2009 c. 21).

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	<i>(1) Offence</i>	<i>(2) Fixed Penalty</i>
12	Failure to display a notice stating “It is illegal to sell tobacco products to anyone under the age of 18” in retail premises where tobacco is sold (Article 5 of the 1991 Order) ⁽⁷⁾ .	£100.00

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Tobacco Retailer (Fixed Penalty) (Amount) Regulations (Northern Ireland) 2016.

Regulation 2 replaces the Schedule to the Tobacco Retailer (Fixed Penalty) (Amount) Regulations (Northern Ireland) 2016 to allow for the inclusion of amounts of fixed penalties for offences relating to the sale or proxy purchase of nicotine inhaling products.

⁽⁷⁾ Article 5 was amended by the Children and Young Persons (Sale of Tobacco etc.) Regulations (Northern Ireland) 2008 (S.R. 2008 No. 306).