
STATUTORY INSTRUMENTS

1991 No. 2872

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

Introductory

Amendment of Articles 3 and 4 of the Health and Personal Social Services (Northern Ireland) Order 1978

3.—(1) The Health and Personal Social Services (Northern Ireland) Order 1978 shall be amended as follows.

(2) In Article 3 (prohibition on sale of tobacco, etc., to persons apparently under 16)—

- (a) in paragraph (1) the word “apparently” shall be omitted;
- (b) after paragraph (1) there shall be inserted—

“(1A) It shall be a defence for a person charged with an offence under paragraph (1) to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.”; and

- (c) in paragraph (3) for “£50” there shall be substituted “level 4 on the standard scale”.

(3) In Article 4 (control of automatic machines for sale of tobacco)—

- (a) in paragraph (1) for “is being extensively used by persons apparently” there shall be substituted “has been used by any person”; and
- (b) in paragraph (2) for the words from “to a fine” onwards there shall be substituted “to a fine not exceeding level 4 on the standard scale”.