

2008 No. 306

PUBLIC HEALTH

**The Children and Young Persons (Sale of Tobacco etc.)
Regulations (Northern Ireland) 2008**

Laid before the Assembly in draft

Made - - - - - 17th July 2008

Coming into operation 1st September 2008

The Department of Health, Social Services and Public Safety(**a**) makes the following Regulations in exercise of the powers conferred by Articles 14 and 15(1) of the Smoking (Northern Ireland) Order 2006(**b**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Children and Young Persons (Sale of Tobacco etc.) Regulations (Northern Ireland) 2008.

(2) This regulation, regulation 2(a) so far as it amends the cross heading to Part II of the 1978 Order, regulation 2(b), so far as it amends the heading to Article 3 of the 1978 Order and regulation 2(d) so far as it amends the heading to Article 5 of the 1978 Order shall come into operation on 1st September 2008.

(3) Regulation 2(b), so far as it amends Article 3(1) of the 1978 Order, shall come into operation on 1st September 2008 in relation to sales on or after that day.

(4) Regulation 2(c), so far as it amends Article 4(1) of the 1978 Order, shall come into operation on 1st September 2008 in relation to the use of machines on or after that day.

(5) Regulation 2(d), so far as it amends Article 5(1) of the 1978 Order, shall come into operation on 1st September 2008 in relation to any person smoking in any street or public place on or after that day.

(6) Regulation 3 shall come into operation on 1st September 2008 in relation to the exhibition of notices on or after that day.

(7) In these Regulations—

“the 1978 Order” means the Health and Personal Social Services (Northern Ireland) Order 1978(**c**); and

“the 1991 Order” means the Children and Young Persons (Protection from Tobacco) (Northern Ireland) Order 1991(**d**).

(**a**) See S.I. 1999/283 (N.I. 1), Article 3(6)
(**b**) S.I. 2006/2957 (N.I. 20)
(**c**) S.I. 1978/1907 (N.I. 26) as amended by 1986/2229 (N.I. 24)
(**d**) S.I. 1991/2872 (N.I. 25)

Substitution of references to age in Articles 3, 4 and 5 of the 1978 Order

2. For the figure “16” there is substituted “18” in the following provisions of the 1978 Order—
- (a) in the cross heading to Part II (Sale of tobacco, etc. to persons apparently under 16);
 - (b) in the heading of, and paragraph (1) of Article 3 (Prohibition on sale of tobacco, etc. to persons under 16);
 - (c) paragraph (1) of Article 4 (Control of automatic machines for sale of tobacco); and
 - (d) in the heading of, and paragraph (1) of Article 5 (Seizure of tobacco, etc. in possession of persons apparently under 16).

Substitution of references to age in statements required by Article 5 of the 1991 Order

3. In Article 5 of the 1991 Order—
- (a) in the statement in paragraph (1) (warning statement in retail premises) for “the age of 16” there is substituted “the age of 18”; and
 - (b) in the statement in paragraph (2) (warning statement on automatic machines for the sale of tobacco) for “aged 16 or over” there is substituted “aged 18 or over”.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 17th July 2008

(L.S.)

Andrew Elliott

A senior officer of the Department of Health, Social Services and Public Safety

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations substitute the age of 18 for the age of 16 in the following provisions which relate to the prohibition on the sale of tobacco products and cigarette papers to young persons in Northern Ireland.

Regulation 2 makes that substitution in three provisions in the Health and Personal Social Services (Northern Ireland) Order 1978—

- Article 3 which creates the offence of selling tobacco or cigarette papers to young persons;
- Article 4 which confers powers on the magistrates' court to order the removal or make certain other provision in respect of tobacco vending machines used by young persons; and
- Article 5 which provides for the seizure and disposal of tobacco or cigarette papers from young persons.

Regulation 3 substitutes the age of 18 in the statements which are required to appear in notices by Article 5 of the Children and Young Person (Protection from Tobacco) (Northern Ireland) Order 1991. When this regulation comes into operation the statement in the notice required in retail premises where tobacco is sold will be—

- It is illegal to sell tobacco products to anyone under the age of 18.

From the same date the statement in the notice required on tobacco vending machines will be—

- This machine is only for the use of people aged 18 or over.

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