

2016 No. 101 (C. 6)

PUBLIC HEALTH

**The Tobacco Retailers (2014 Act) (Commencement No. 2)
Order (Northern Ireland) 2016**

Made - - - -

2nd March 2016

The Department of Health, Social Services and Public Safety in exercise of the powers conferred by section 25(2) of the Tobacco Retailers Act (Northern Ireland) 2014(a), makes the following Order.

Citation

1.—(1) This order may be cited as the Tobacco Retailers (2014 Act) (Commencement No. 2) Order (Northern Ireland) 2016.

(2) In this order –

“the 2014 Act” means the Tobacco Retailers Act (Northern Ireland) 2014; and

“the Order of 1978” means the Health and Personal Social Services (Northern Ireland) Order 1978.

Appointed days

2. Insofar as not already in operation, the days appointed for the coming into force of the provisions of the 2014 Act are:-

(a) 6th April 2016 for the provisions specified in column 1 of the table in Schedule 1 to this Order (the subject matter of which is specified in column 2 of that table);

(b) 1st July 2016 for the provisions specified in column 1 of the table in Schedule 2 to this Order (the subject matter of which is specified in column 2 of that table).

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 2nd March 2016.



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

SCHEDULE 1

Article 2(a)

Provisions of the 2014 Act coming into force on 6th April 2016

Column 1 <i>Provision of the Act</i>	Column 2 <i>Subject matter</i>
Section 1	Register of tobacco retailers
Section 2	Application for registration
Section 3	Duty to notify changes
Section 4	Changes to and removal from the register
Section 11	Powers of entry
Section 15	Obstruction, etc of authorised officers
Section 16	Council's duty to share information about enforcement
Section 17	Offences by bodies corporate
Section 18	Amendment of the Order of 1978
Section 21	Service of notices in electronic form
Section 23	Transitional provision

SCHEDULE 2

Article 2(b)

Provisions of the 2014 Act coming into force on 1st July 2016

Column 1 <i>Provision of the Act</i>	Column 2 <i>Subject matter</i>
Section 5	Restricted premises orders
Section 6	Restricted sale orders
Section 7	Appeal against the making of a restricted sale or a restricted premises order
Section 8	Restricted premises orders: display of notices
Section 9	Restricted premises orders: no tobacco in retail area
Section 10	Offences
Section 12	Fixed penalties
Section 13	Use of fixed penalty receipts
Section 14	Withdrawal of fixed penalty notices
Section 19	Statutory charges

EXPLANATORY NOTE

(This note is not part of the Order)

Sections 22, 24, 25 and 26 of the Tobacco Retailers Act (Northern Ireland) 2014 (“the 2014 Act”) came into force on Royal Assent.

For the purposes of enabling the Department to make Regulations, the Tobacco Retailers (2014 Act) (Commencement No. 1) Order (Northern Ireland) 2014 brought into operation on 1st May 2014 sections 1, 2, 8, 12, 13, 20 and 21 of the Tobacco Retailers Act (Northern Ireland) 2014.

Schedule 1 to this Order sets out that the following provisions will come into force on 6th April 2016.

- Section 1 – requires a registration authority to maintain a register of tobacco retailers in Northern Ireland.
- Sections 2, 3 and 4 – make further provision in relation to the register.
- Sections 11 and 15 – make provision in relation to powers of entry and the obstruction of officers.
- Section 16 – requires District Councils to share enforcement information on relevant tobacco offences with nominated bodies.
- Section 17 – concerns offences by bodies corporate.
- Section 18 – amends the 1978 Order to increase the minimum fine for underage sales of tobacco or cigarette papers and creates a new offence of buying or attempting to buy tobacco or cigarette papers on behalf of a person under the age of 18.
- Section 21 – allows for the delivery of relevant notices in electronic form.
- Section 23 – provides that certain sections do not apply where offences were committed before those sections were commenced.

Schedule 2 to this Order sets out that the following provisions will come into force on 1st July 2016.

- Sections 5, 6, 7, 8 and 9 – allow for the retail sale of tobacco products to be banned by means of restricted premises or sale orders.
- Section 10 – creates a number of offences in relation to the register and in relation to breaching a restricted premises or sale order.
- Sections 12, 13 and 14 – provide for the application of fixed penalties for certain tobacco-related offences.
- Section 19 – amends Schedule 11 of the Land Registration Act (Northern Ireland) 1970 to make a restricted premises order a statutory charge.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Tobacco Retailers Act (Northern Ireland) 2014 have been brought into operation by a commencement order made before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.R. No.</i>
Section 1 (for the purpose of enabling the Department to make regulations)	1 st May 2014	2014 No. 125 (C. 5)
Section 2 (for the purpose of enabling the Department to make regulations)	1 st May 2014	2014 No. 125 (C. 5)
Section 8 (for the purpose of enabling the Department to make regulations)	1 st May 2014	2014 No. 125 (C. 5)
Section 12 (for the purpose of enabling the Department to make regulations)	1 st May 2014	2014 No. 125 (C. 5)
Section 13 (for the purpose of enabling the Department to make regulations)	1 st May 2014	2014 No. 125 (C. 5)
Section 20 (for the purpose of enabling the Department to make regulations)	1 st May 2014	2014 No. 125 (C. 5)
Section 21 (for the purpose of enabling the Department to make regulations)	1 st May 2014	2014 No. 125 (C. 5)

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