



# Children and Young Persons (Protection from Tobacco) Act 1991

## 1991 CHAPTER 23

### 8 Short title, commencement, extent etc.

- (1) This Act may be cited as the Children and Young Persons (Protection from Tobacco) Act 1991.
- (2) This Act shall come into force on such day as the Secretary of State may appoint by order made by statutory instrument; and different days may be so appointed for different provisions or for different purposes.
- (3) Nothing in section 1 [<sup>F1</sup>or 2] above has effect in relation to any offence committed before the commencement of that section.
- (4) Subsection (4)(a) of section 1 [<sup>F2</sup>or 2] above—
  - (a) shall not affect the continued operation of the relevant provision, as in force before the date of the coming into force of that section, in a case where the relevant use of which evidence has been or would be given in support of a complaint or application under that provision (as so in force) took place before that date, and
  - (b) accordingly shall, in particular, not affect—
    - (i) any complaint or application made under that provision before that date, or
    - (ii) any order so made;and no complaint or application shall be made on or after that date under the relevant provision (as for the time being in force) in respect of any relevant use which took place before that date.
- (5) In subsection (4) above—

“the relevant provision” means—

  - (a) in relation to England and Wales, section 7(2) of the <sup>M1</sup>Children and Young Persons Act 1933, and

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**Changes to legislation:** There are currently no known outstanding effects for the Children and Young Persons (Protection from Tobacco) Act 1991, Section 8. (See end of Document for details)

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(b) [<sup>F3</sup> in relation to Scotland, section 18(2) of the <sup>M2</sup> Children and Young Persons (Scotland) Act 1937; and ]

“relevant use” means use of any such automatic machine as is mentioned in the relevant provision.

(6) An Order in Council under paragraph 1(1)(b) of Schedule 1 to the <sup>M3</sup> Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which states that it is made only for purposes corresponding to those of this Act—

(a) shall not be subject to paragraph 1(4) and (5) of that Schedule (affirmative resolution of both Houses of Parliament), but

(b) shall be subject to annulment in pursuance of a resolution of either House.

(7) Except for this section, this Act does not extend to Northern Ireland.

#### Subordinate Legislation Made

- P1** S. 8(2) power partly exercised (N.I.)(4.11.1991): 11.11.1991 appointed for s. 8(6)(7) by [S.I. 1991/2500](#)  
 S. 8(2) power exercised (21.2.1992): 1.3.1992 appointed for ss. 1-3, 5-8 by [S.I. 1992/332](#), [art. 2](#)  
 S. 8(2) power exercised (16.12.1992): 17.12.1992 and 20.2.1993 appointed for s. 4 by [S.I. 1992/3227](#), [art. 2](#)

#### Textual Amendments

- F1** Words in s. 8(3) repealed (S.) (1.4.2011) by [Tobacco and Primary Medical Services \(Scotland\) Act 2010 \(asp 3\)](#), s. 43(2), [Sch. 2 para. 2\(c\)\(i\)](#); S.S.I. 2010/77, art. 2; S.S.I. 2010/345, art. 2, Sch.  
**F2** Words in s. 8(4) repealed (S.) (1.4.2011) by [Tobacco and Primary Medical Services \(Scotland\) Act 2010 \(asp 3\)](#), s. 43(2), [Sch. 2 para. 2\(c\)\(ii\)](#); S.S.I. 2010/77, art. 2; S.S.I. 2010/345, art. 2, Sch.  
**F3** Words in s. 8(5) repealed (S.) (1.4.2011) by [Tobacco and Primary Medical Services \(Scotland\) Act 2010 \(asp 3\)](#), s. 43(2), [Sch. 2 para. 2\(c\)\(iii\)](#); S.S.I. 2010/77, art. 2; S.S.I. 2010/345, art. 2, Sch.

#### Commencement Information

- I1** S. 8 wholly in force: s. 8(6)(7) in force (N.I.) at 11.11.1991 by [S.I. 1991/2500](#), [art. 2](#); s. 8 wholly in force at 1.3.1992 by [S.I. 1992/332](#), [art. 2](#)

#### Marginal Citations

- M1** [1933 c. 12.](#)  
**M2** [1937 c. 37.](#)  
**M3** [1974 c. 28.](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Children and Young Persons (Protection from Tobacco) Act 1991, Section 8.