



2014 CHAPTER 4

General

Service of notices in electronic form

21.—(1) The delivery of a relevant notice to a person (the “recipient”) may be effected for the purposes of this Act by transmitting it electronically, but only if it is transmitted in accordance with subsection (2).

(2) A relevant notice is transmitted electronically in accordance with this subsection if—

- (a) the recipient has agreed that the relevant notice may be delivered to the recipient by being transmitted to an electronic address and in an electronic form specified by the recipient for that purpose; and
- (b) the relevant notice is a notice to which that agreement applies and is transmitted to that address in that form.

(3) A relevant notice which is transmitted in accordance with subsection (2) by means of an electronic communications network shall, unless the contrary is proved, be treated as having been delivered at 9 a.m. on the working day immediately following the day on which it is transmitted.

(4) Regulations may amend this section by modifying the circumstances in which, and the conditions subject to which, the delivery of a relevant notice for the purposes of this Act may be effected by transmitting the notice electronically.

(5) Regulations may also amend this section by modifying the day on which and the time at which a relevant notice which is transmitted electronically is to be treated as having been delivered.

(6) Regulations under subsection (4) or (5) may make such consequential amendments of this Act as the Department considers appropriate.

(7) In this section—

“electronic address” includes any number or address used for the purposes of receiving electronic communications;

“electronic communication” means an electronic communication within the meaning of the Electronic Communications Act (Northern Ireland) 2001 the processing of which on receipt is intended to produce writing;

“electronic communications network” means an electronic communications network within the meaning of the Communications Act 2003;

“electronically” means in the form of an electronic communication;

“relevant notice” means a notice given or served under section 2(4), 3 or 4(5);

“working day” means a day which is not a Saturday or a Sunday, Christmas Day, Good Friday or a bank holiday in Northern Ireland under the Banking and Financial Dealings Act 1971.

Interpretation

22.—(1) In this Act—

“authorised officer”, in relation to a council, means any person (whether or not an officer of the council) who is authorised by it in writing, either generally or specifically, to act in matters arising under this Act;

“cigarettes” has the same meaning as in Part 2 of the Health and Personal Social Services (Northern Ireland) Order 1978;

“clerk of the council”, in relation to a council, means the clerk appointed in accordance with section 41 of the Local Government Act (Northern Ireland) 1972;

“council” means a district council;

“the Department” means the Department of Health, Social Services and Public Safety;

“notice” means notice in writing;

“premises” includes any place and any vehicle, vessel, stall or moveable structure;

“prescribed” means prescribed by regulations;

“the Register” has the meaning given in section 1(1);

“registered”, “unregistered” and “the registration authority” have the meanings given in section 1(6);

“regulations” means regulations made by the Department;

“restricted premises order” means an order made under section 5;

“restricted sale order” means an order made under section 6;

“tobacco” has the same meaning as in Part 2 of the Health and Personal Social Services (Northern Ireland) Order 1978;

“tobacco business” means a business involving the sale of tobacco or cigarette papers by retail.

(2) In its application to this Act, the Interpretation Act (Northern Ireland) 1954 has effect as if in section 24(1) (notice by post) the word “registering” were omitted.

Transitional provision

23.—(1) Section 5 does not apply where any of the offences mentioned in that section were committed before the commencement of that section.

(2) Section 6 does not apply where any of the offences mentioned in that section were committed before the commencement of that section.

(3) Paragraph (b) of section 2(3) does not apply in relation to an offence mentioned in that paragraph which is committed before the commencement of that paragraph.

(4) Paragraph (b) of section 4(2) does not apply in relation to an offence mentioned in that paragraph which is committed before the commencement of that paragraph.

(5) Section 11 does not apply in relation to an offence mentioned in section 11(1)(a) which is committed before the commencement of that section.

(6) Section 12 does not apply in relation to an offence mentioned in section 12(1) which is committed before the commencement of that section.

(7) Subsection (2) of section 18 does not apply in relation to an offence which is committed before the commencement of that subsection.

Regulations and orders

24.—(1) Except as provided by subsection (2), regulations under this Act shall be subject to negative resolution.

(2) No regulations shall be made under section 2(7), 12(8), 20 or 21(4) or (5) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(3) Regulations and orders made by the Department under this Act may contain such incidental, supplementary, transitional, transitory and savings provisions as appear to the Department to be necessary or expedient.

Commencement

25.—(1) This section and sections 22, 24 and 26 come into operation on the day after the day on which this Act receives Royal Assent.

(2) The other provisions of this Act come into operation on such day or days as the Department may by order appoint.

Short title

26. This Act may be cited as the Tobacco Retailers Act (Northern Ireland) 2014.