



## 2014 CHAPTER 4

### *Persistent commission of tobacco [<sup>F1</sup>or nicotine] offences*

#### **Restricted sale orders**

6.—(1) This section applies where a person (“the offender”)—

- (a) is given a fixed penalty notice in respect of a tobacco [<sup>F1</sup>or nicotine] offence; or
- (b) is convicted of a tobacco [<sup>F2</sup>or nicotine] offence.

(2) In the following provisions of this section “the relevant offence” means the offence mentioned in subsection (1)(a) or (b).

(3) A court of summary jurisdiction may, on application made by complaint by the council in whose district the premises in relation to which the relevant offence was committed are situated, make a restricted sale order in respect of the offender.

(4) A restricted sale order is an order prohibiting the person to whom it relates—

- (a) from selling any tobacco [<sup>F3</sup>, cigarette papers or nicotine products] to any person;
- (b) from having any management functions in respect of any premises in so far as those functions relate to the sale on the premises of tobacco [<sup>F4</sup>, cigarette papers or nicotine products] to any person;
- (c) from keeping any cigarette machine on any premises for the purpose of selling tobacco [<sup>F5</sup>or nicotine products] or permitting any [<sup>F6</sup>... machine to be kept on any premises by any other person for that purpose; and

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(d) from having any management functions in respect of any premises in so far as those functions relate to any <sup>F6</sup>... machine kept on the premises for the purpose of selling tobacco [<sup>F5</sup>or nicotine products] .

(5) The order has effect for the period specified in the order, but that period must not be less than 28 days or more than 3 years.

(6) The court may make the order if (and only if) it is satisfied that, on at least 2 other occasions within the period of 5 years ending with the date on which the relevant offence was committed, the offender has been—

- (a) given a fixed penalty notice in respect of a tobacco [<sup>F7</sup>or nicotine] offence; or
- (b) convicted of a tobacco [<sup>F8</sup>or nicotine] offence.

(7) For the purposes of this section a fixed penalty notice which is given to the offender in respect of a tobacco [<sup>F9</sup>or nicotine] offence is to be disregarded if it is withdrawn or if proceedings are brought against the offender for the offence to which the notice relates.

<sup>F10</sup>(8) In this section any reference to a machine is a reference to an automatic machine for the sale of tobacco or nicotine products.]

#### Textual Amendments

- F1** Words in s. 6(1)(a) inserted (1.2.2022) by Health (Miscellaneous Provisions) Act (Northern Ireland) 2016 (c. 26), s. 20(3), **Sch. 1 para. 5(a)**; S.R. 2021/329, art. 2(c)
- F2** Words in s. 6(1)(b) inserted (1.2.2022) by Health (Miscellaneous Provisions) Act (Northern Ireland) 2016 (c. 26), s. 20(3), **Sch. 1 para. 5(a)**; S.R. 2021/329, art. 2(c)
- F3** Words in s. 6(4)(a) substituted (1.2.2022) by Health (Miscellaneous Provisions) Act (Northern Ireland) 2016 (c. 26), s. 20(3), **Sch. 1 para. 5(b)(i)**; S.R. 2021/329, art. 2(c)
- F4** Words in s. 6(4)(b) substituted (1.2.2022) by Health (Miscellaneous Provisions) Act (Northern Ireland) 2016 (c. 26), s. 20(3), **Sch. 1 para. 5(b)(ii)**; S.R. 2021/329, art. 2(c)
- F5** Words in s. 6(4)(c)(d) inserted (1.2.2022) by Health (Miscellaneous Provisions) Act (Northern Ireland) 2016 (c. 26), s. 20(3), **Sch. 1 para. 5(b)(iv)**; S.R. 2021/329, art. 2(c)
- F6** Word in s. 6(4)(c)(d) repealed (1.2.2022) by Health (Miscellaneous Provisions) Act (Northern Ireland) 2016 (c. 26), s. 20(3), **Sch. 1 para. 5(b)(iii)**, **Sch. 2 Pt. 2**; S.R. 2021/329, art. 2(c)(d)
- F7** Words in s. 6(6)(a) inserted (1.2.2022) by Health (Miscellaneous Provisions) Act (Northern Ireland) 2016 (c. 26), s. 20(3), **Sch. 1 para. 5(c)**; S.R. 2021/329, art. 2(c)
- F8** Words in s. 6(6)(b) inserted (1.2.2022) by Health (Miscellaneous Provisions) Act (Northern Ireland) 2016 (c. 26), s. 20(3), **Sch. 1 para. 5(c)**; S.R. 2021/329, art. 2(c)
- F9** Words in s. 6(7) inserted (1.2.2022) by Health (Miscellaneous Provisions) Act (Northern Ireland) 2016 (c. 26), s. 20(3), **Sch. 1 para. 5(d)**; S.R. 2021/329, art. 2(c)
- F10** S. 6(8) substituted (1.2.2022) by Health (Miscellaneous Provisions) Act (Northern Ireland) 2016 (c. 26), s. 20(3), **Sch. 1 para. 5(e)**; S.R. 2021/329, art. 2(c)

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**Changes to legislation:** *There are currently no known outstanding effects for the Tobacco Retailers Act (Northern Ireland) 2014, Section 6. (See end of Document for details)*

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**Commencement Information**

**II** S. 6 in operation at 1.7.2016 by S.R. 2016/101, art. 2(b), **Sch. 2**

**Changes to legislation:**

There are currently no known outstanding effects for the Tobacco Retailers Act (Northern Ireland) 2014, Section 6.