

Status: Point in time view as at 01/02/2022.

Changes to legislation: There are currently no known outstanding effects for the Health (Miscellaneous Provisions) Act (Northern Ireland) 2016, Cross Heading: The Tobacco Retailers Act (Northern Ireland) 2014 (c. 4). (See end of Document for details)

SCHEDULES

SCHEDULE 1

AMENDMENTS CONSEQUENTIAL ON SECTIONS 1 AND 2

The Tobacco Retailers Act (Northern Ireland) 2014 (c. 4)

2 The Tobacco Retailers Act (Northern Ireland) 2014 is amended as follows.

Commencement Information

I1 Sch. 1 para. 2 in operation at 1.2.2022 by S.R. 2021/329, art. 2(c)

3 In the italic heading before section 5, after “tobacco” insert “ or nicotine ”.

Commencement Information

I2 Sch. 1 para. 3 in operation at 1.2.2022 by S.R. 2021/329, art. 2(c)

4 In section 5 (restricted premises orders)—

- (a) in subsection (1)(a) and (b), after “tobacco” insert “ or nicotine ”;
- (b) in subsection (4), for “or cigarette papers” substitute “ , cigarette papers or nicotine products ”;
- (c) in subsection (5), for “or cigarette papers” substitute “ , cigarette papers or nicotine products ”;
- (d) in subsection (8)(b)(i) and (ii), after “tobacco” insert “ or nicotine ”;
- (e) in subsection (13)(a), after “tobacco” insert “ or nicotine ”;
- (f) in subsection (14)—
 - (i) for “tobacco offence” substitute “ tobacco or nicotine offence ”;
 - (ii) at the end of paragraph (e), omit the word “or”;
 - (iii) at the end of paragraph (f), add—
 - “(g) an offence committed under section 1 of the Health (Miscellaneous Provisions) Act (Northern Ireland) 2016 on any premises (which are accordingly “the premises in relation to which the offence is committed””;
 - (iv) at the end of paragraph (g), add—

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“or

- (h) an offence committed under section 2 of the Health (Miscellaneous Provisions) Act (Northern Ireland) 2016 in respect of any machine kept on any premises (which are accordingly “the premises in relation to which the offence is committed””.

Commencement Information

I3 Sch. 1 para. 4 in operation at 1.2.2022 by S.R. 2021/329, art. 2(c)

5 In section 6 (restricted sale orders)—

- (a) in subsection (1)(a) and (b), after “tobacco” insert “ or nicotine ”;
- (b) in subsection (4)—
- (i) in paragraph (a), for “or cigarette papers” substitute “ , cigarette papers or nicotine products ”;
- (ii) in paragraph (b), for “or cigarette papers” substitute “ , cigarette papers or nicotine products ”;
- (iii) in each of paragraphs (c) and (d), omit “cigarette” in each place;
- (iv) in each of those paragraphs, after “tobacco” insert “ or nicotine products ”;
- (c) in subsection (6)(a) and (b), after “tobacco” insert “ or nicotine ”;
- (d) in subsection (7), after “tobacco” insert “ or nicotine ”;
- (e) for subsection (8) substitute—
- “(8) In this section any reference to a machine is a reference to an automatic machine for the sale of tobacco or nicotine products.”.

Commencement Information

I4 Sch. 1 para. 5 in operation at 1.2.2022 by S.R. 2021/329, art. 2(c)

6 In section 8(4) (restricted premises orders: display of notices), for “or cigarette papers” substitute “ , cigarette papers or nicotine products ”.

Commencement Information

I5 Sch. 1 para. 6 in operation at 1.2.2022 by S.R. 2021/329, art. 2(c)

7 In section 9 (restricted premises orders: no tobacco in retail area)—

- (a) in the heading, after “tobacco” insert “ or nicotine products ”;

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- (b) in subsection (2), for “or cigarette papers” substitute “, cigarette papers or nicotine products as the case may be”;
- (c) in subsection (3), for “and cigarette papers” substitute “, cigarette papers and nicotine products”.

Commencement Information

16 Sch. 1 para. 7 in operation at 1.2.2022 by S.R. 2021/329, art. 2(c)

8 In section 10(4)(a) (offences), for “or cigarette papers” substitute “, cigarette papers or nicotine products”.

Commencement Information

17 Sch. 1 para. 8 in operation at 1.2.2022 by S.R. 2021/329, art. 2(c)

9 In section 11(1)(a) (powers of entry)—

(a) after sub-paragraph (iii) add—

“(iv) an offence under section 1 of the Health (Miscellaneous Provisions) Act (Northern Ireland) 2016;”;

(b) after sub-paragraph (iv) add—

“(v) an offence under section 2 of the Health (Miscellaneous Provisions) Act (Northern Ireland) 2016.”.

Commencement Information

18 Sch. 1 para. 9 in operation at 1.2.2022 by S.R. 2021/329, art. 2(c)

10 In section 12(1) (fixed penalties for certain offences)—

(a) after paragraph (c) add—

“(d) an offence under section 1 of the Health (Miscellaneous Provisions) Act (Northern Ireland) 2016;”;

(b) after paragraph (d) add—

“(e) an offence under section 2 of the Health (Miscellaneous Provisions) Act (Northern Ireland) 2016.”.

Commencement Information

19 Sch. 1 para. 10 in operation at 1.2.2022 by S.R. 2021/329, art. 2(c)

11 In section 16 (council's duty to share information about enforcement), in subsections (1)(a) and (b) and (3), after “tobacco” insert “ or nicotine”;

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I10 Sch. 1 para. 11 in operation at 1.2.2022 by S.R. 2021/329, art. 2(c)

12 In section 22(1) (interpretation), insert at the appropriate place—

““nicotine product” means a nicotine product within the meaning of section 7 of the Health (Miscellaneous Provisions) Act (Northern Ireland) 2016 the sale of which to persons aged under 18 is for the time being prohibited by regulations under section 1(1) of that Act;”.

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Commencement Information

I11 Sch. 1 para. 12 in operation at 1.2.2022 by S.R. 2021/329, art. 2(c)

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