



2016 CHAPTER 26

PART 1

Sale or use of nicotine products and tobacco

Prohibition of sale of nicotine products to persons under 18

1.—(1) The Department may by regulations make provision prohibiting the sale of nicotine products to persons aged under 18.

(2) A person who breaches a prohibition in regulations under subsection (1) commits an offence.

(3) Subsection (2) does not apply if—

- (a) at the time of the sale, the person to whom the nicotine product is sold is employed by a manufacturer of nicotine products to which regulations under subsection (1) apply or by a dealer in such products (whether wholesale or retail); and
- (b) the purchase of the product is for the purposes of the manufacturer's or dealer's business.

(4) Where a person is charged with an offence under this section it is a defence that the person took all reasonable precautions and exercised all due diligence to avoid committing the offence.

(5) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(6) The Department may by regulations—

- (a) amend Article 4A of the Health and Personal Social Services (Northern Ireland) Order 1978 (purchase of tobacco on behalf of persons under 18)

so as to apply it (with or without modifications) in relation to nicotine products; or

- (b) provide for that Article to apply (with or without modifications) in relation to nicotine products.