

STATUTORY INSTRUMENTS

1978 No. 1907

Health and Personal Social Services (Northern Ireland) Order 1978

PART II

SALE OF TOBACCO, ETC. TO PERSONS APPARENTLY UNDER 16

Prohibition on sale of tobacco, etc. to persons apparently under 16

3.—(1) Subject to paragraph (2), a person who sells to a person^{F1} . . . under the age of 16 any tobacco or cigarette papers, whether for his own use or not, shall be guilty of an offence.

[^{F1}(1A) It shall be a defence for a person charged with an offence under paragraph (1) to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.]

Para.(2) rep. with saving by 1986 NI 24

(3) A person guilty of an offence under paragraph (1) shall be liable on summary conviction to a fine not exceeding^{F1} level 4 on the standard scale].

F1 [1991 NI 25](#)

Modifications etc. (not altering text)

C1 [Art. 3\(1\): power to amend conferred \(15.1.2007\) by \[The Smoking \\(Northern Ireland\\) Order 2006 \\(S.I. 2006/2957 \\(N.I. 20\\)\\)\]\(#\), arts. 1\(3\)\(h\), **14\(a\)** \(with art. 16\(1\)\)](#)

Control of automatic machines for sale of tobacco

4.—(1) If on complaint being made under^{F2} Part VIII of the Magistrates' Courts (Northern Ireland) Order 1981] the court is satisfied that any automatic machine for the sale of tobacco kept on any premises^{F3} has been used by any person] under the age of 16, the court^{F4} shall] order the owner of the machine or the person on whose premises the machine is kept—

(a) to take such precautions to prevent the machine being so used as may be specified in the order;

(b) if necessary, to remove the machine, within such time as may be specified in the order.

(2) A person who fails to comply with an order made under paragraph (1) shall be guilty of an offence and liable on summary conviction^{F3} to a fine not exceeding level 4 on the standard scale].

F2 [1981 NI 26](#)

F3 [1991 NI 25](#)

F4 [1986 NI 24](#)

Status: Point in time view as at 01/01/2006.

Changes to legislation: There are currently no known outstanding effects for the Health and Personal Social Services (Northern Ireland) Order 1978, PART II. (See end of Document for details)

Modifications etc. (not altering text)

- C2** [Art. 4\(1\)](#): power to amend conferred (15.1.2007) by [The Smoking \(Northern Ireland\) Order 2006 \(S.I. 2006/2957 \(N.I. 20\)\)](#), arts. 1(3)(h), **14(a)** (with art. 16(1))

Seizure of tobacco, etc. in possession of persons apparently under 16

5.—(1) A member of the Royal Ulster Constabulary or Royal Ulster Constabulary Reserve may seize any tobacco or cigarette papers in the possession of any person apparently under the age of 16 whom he finds smoking in any street or public place.

(2) Any tobacco or cigarette papers seized under paragraph (1) shall be disposed of in such a manner as the Police Authority for Northern Ireland may direct.

Modifications etc. (not altering text)

- C3** [Art. 5\(1\)](#): power to amend conferred (15.1.2007) by [The Smoking \(Northern Ireland\) Order 2006 \(S.I. 2006/2957 \(N.I. 20\)\)](#), arts. 1(3)(h), **14(a)** (with art. 16(1))
- C4** [Art. 5\(1\)](#) extended by 2003 c. 6, Sch. 2A para. 7(1) (as inserted (22.4.2007) by [Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 6\)\)](#), arts. 1(3), 7(8), **Sch. 5**)
- C5** [Art. 5\(2\)](#) applied by 2003 c. 6, Sch. 2A para. 7(2) (as inserted (22.4.2007) by [Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 6\)\)](#), arts. 1(3), 7(8), **Sch. 5**)

Exemption for persons employed in trade

6. Nothing in this Part shall—

- (a) make it an offence to sell tobacco or cigarette papers to, or
- (b) authorise the seizure of tobacco or cigarette papers in the possession of,

any person who is at the time employed by a manufacturer of, or dealer in, tobacco, either wholesale or retail, for the purposes of his business.

Interpretation

7. In this Part—

“cigarettes” includes cut tobacco rolled up in paper, tobacco leaf, or other material in such form as to be capable of immediate use for smoking;

“public place” includes any place to which the public for the time being have or are permitted to have access, whether on payment or otherwise;

“street” includes any road, lane, alley or passage, whether a thoroughfare or not;

“tobacco” includes cigars, cigarettes^{F5} tobacco substitutes and any product containing tobacco and intended for oral or nasal use].

F5 [1986 NI 24](#)

Status:

Point in time view as at 01/01/2006.

Changes to legislation:

There are currently no known outstanding effects for the Health and Personal Social Services (Northern Ireland) Order 1978, PART II.