



# Children and Families Act 2014

## 2014 CHAPTER 6

### PART 5

#### WELFARE OF CHILDREN

##### *Tobacco, nicotine products and smoking*

#### **92 Prohibition of sale of nicotine products to persons under 18**

- (1) The Secretary of State 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 4 on the standard scale.
- (6) The Secretary of State may by regulations—
  - (a) amend section 91 (purchase of tobacco etc 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 section to apply (with or without modifications) in relation to nicotine products.

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*Status: This is the original version (as it was originally enacted).*

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- (7) Regulations under this section may make provision in relation to—
- (a) all nicotine products,
  - (b) nicotine products of a specified kind, or
  - (c) nicotine products subject to specified exceptions.
- (8) The Secretary of State must obtain the consent of the Welsh Ministers before making regulations under this section which would (if contained in an Act of the National Assembly for Wales) be within the legislative competence of that Assembly.
- (9) For the purposes of this section “nicotine product” means—
- (a) a device which is intended to enable nicotine to be consumed by an individual or otherwise to be delivered into the human body,
  - (b) an item which is intended to form part of a device within paragraph (a), or
  - (c) a substance or item which consists of or contains nicotine and which is intended for human consumption or otherwise to be delivered into the human body.
- (10) It does not matter for the purposes of subsection (9)(a) whether the device is also intended to enable any other substance to be consumed by an individual or otherwise to be delivered into the human body.
- (11) The following are not nicotine products for the purposes of this section—
- (a) tobacco;
  - (b) cigarette papers;
  - (c) any device which is intended to be used for the consumption of lit tobacco.
- (12) In this section—
- “specified” means specified in regulations under this section;
  - “tobacco” has the same meaning as in section 7 of the Children and Young Persons Act 1933 (offence of selling tobacco to children).