



# Children and Families Act 2014

## 2014 CHAPTER 6

### PART 5

#### WELFARE OF CHILDREN

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

#### **93 Amendments consequential on section 92**

- (1) The Children and Young Persons Act 1933 is amended in accordance with subsections (2) to (6).
- (2) In the italic heading before section 12A, after “tobacco” insert “or nicotine products”.
- (3) In section 12A (restricted premises orders)—
  - (a) in subsection (1), after “tobacco” insert “or nicotine”,
  - (b) in subsection (3), for “or cigarette papers” substitute “, cigarette papers or nicotine product”, and
  - (c) in subsection (7)(a), after “tobacco” insert “or nicotine”.
- (4) In section 12B (restricted sale orders)—
  - (a) in subsection (1), after “tobacco” insert “or nicotine”,
  - (b) in subsection (3)—
    - (i) in paragraph (a), for “or cigarette papers” substitute “, cigarette papers or nicotine product”,
    - (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, and
    - (iv) in each of those paragraphs, after “tobacco” insert “or nicotine products”,
  - (c) in subsection (5), after “tobacco” insert “or nicotine”, and
  - (d) in subsection (6)—
    - (i) omit “cigarette”, and

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*Status: This is the original version (as it was originally enacted).*

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- (ii) after “tobacco” insert “or nicotine products”.
- (5) In section 12C(1)(a) (enforcement), for “or cigarette papers” substitute “, cigarette papers or nicotine product”.
- (6) In section 12D (interpretation)—
- (a) in subsection (1), in the opening words, for ““tobacco offence”” substitute ““tobacco or nicotine offence””,
  - (b) in that subsection omit the “or” at the end of paragraph (b) and at the end of paragraph (c) insert “, or
  - (d) an offence committed under section 92 of the Children and Families Act 2014 on any premises (which are accordingly “the premises in relation to which the offence is committed”).”, and
  - (c) after subsection (2) insert—
 

“(2A) In sections 12A to 12C “nicotine product” means a nicotine product within the meaning of section 92 of the Children and Families Act 2014 the sale of which to persons aged under 18 is for the time being prohibited by regulations under subsection (1) of that section.”
- (7) In section 5 of the Children and Young Persons (Protection from Tobacco) Act 1991 (enforcement action by local authorities in England and Wales)—
- (a) in subsection (1)(a), for “and sections 3 and 4 above” substitute “, sections 3 and 4 above and section 92 of the Children and Families Act 2014 (prohibition of sale of nicotine products to persons under 18)”, and
  - (b) after subsection (1) insert—
 

“(1A) Subsection (1) applies in relation to section 92 of the Children and Families Act 2014 only if regulations under subsection (1) of that section are for the time being in force.”
- (8) The Secretary of State may by regulations make provision amending, repealing, revoking or otherwise modifying any provision made by or under an enactment (whenever passed or made) in connection with provision made by or under section 92.
- (9) In subsection (8) “enactment” includes a Measure or Act of the National Assembly for Wales.