



Children and Young Persons Act 1933

1933 CHAPTER 12 23 and 24 Geo 5

PART I

PREVENTION OF CRUELTY AND EXPOSURE TO MORAL AND PHYSICAL DANGER

[^{F1}Persistent sales of tobacco [^{F1}or nicotine products] to persons under 18

[^{F1}12B Restricted sale orders

- (1) This section applies where a person (“the offender”) is convicted of a tobacco [^{F2}or nicotine] offence (“the relevant offence”).
- (2) The person who brought the proceedings for the relevant offence may by complaint to a magistrates' court apply for a restricted sale order to be made in respect of the offender.
- (3) A restricted sale order is an order prohibiting the person to whom it relates—
 - (a) from selling any tobacco [^{F3}, cigarette papers or nicotine product] to any person,
 - (b) from having any management functions in respect of any premises in so far as those functions relate to the sale on the premises of tobacco [^{F4}, cigarette papers or nicotine products] to any person,
 - (c) from keeping any ^{F5}... machine on any premises for the purpose of selling tobacco [^{F6}or nicotine products] or permitting any ^{F5}... machine to be kept on any premises by any other person for that purpose, and
 - (d) from having any management functions in respect of any premises in so far as those functions relate to any ^{F7}... machine kept on the premises for the purpose of selling tobacco [^{F8}or nicotine products].
- (4) The order has effect for the period specified in the order, but that period may not exceed one year.

Changes to legislation: *Children and Young Persons Act 1933, Section 12B is up to date with all changes known to be in force on or before 23 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (5) The court may make the order if (and only if) it is satisfied that, on at least 2 occasions within the period of 2 years ending with the date on which the relevant offence was committed, the offender has committed other tobacco [^{F9}or nicotine] offences.
- (6) In this section any reference to a ^{F10}... machine is a reference to an automatic machine for the sale of tobacco [^{F11}or nicotine products].]

Textual Amendments

- F1** Ss. 12A-12D and preceding cross-heading inserted (1.4.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), **ss. 143(2)**, 153; S.I. 2009/860, **art. 2(c)**
- F2** Words in s. 12B(1) inserted (1.10.2014 for specified purposes, 1.10.2015 in so far as not already in force) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 93(4)(a)**, 139(6); S.I. 2014/2609, **art. 2**; S.I. 2015/375, **art. 3**
- F3** Words in s. 12B(3)(a) substituted (1.10.2014 for specified purposes, 1.10.2015 in so far as not already in force) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 93(4)(b)(i)**, 139(6); S.I. 2014/2609, **art. 2**; S.I. 2015/375, **art. 3**
- F4** Words in s. 12B(3)(b) substituted (1.10.2014 for specified purposes, 1.10.2015 in so far as not already in force) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 93(4)(b)(ii)**, 139(6); S.I. 2014/2609, **art. 2**; S.I. 2015/375, **art. 3**
- F5** Word in s. 12B(3)(c) omitted (1.10.2014 for specified purposes, 1.10.2015 in so far as not already in force) by virtue of [Children and Families Act 2014 \(c. 6\)](#), **ss. 93(4)(b)(iii)**, 139(6); S.I. 2014/2609, **art. 2**; S.I. 2015/375, **art. 3**
- F6** Words in s. 12B(3)(c) inserted (1.10.2014 for specified purposes, 1.10.2015 in so far as not already in force) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 93(4)(b)(iv)**, 139(6); S.I. 2014/2609, **art. 2**; S.I. 2015/375, **art. 3**
- F7** Word in s. 12B(3)(d) omitted (1.10.2014 for specified purposes, 1.10.2015 in so far as not already in force) by virtue of [Children and Families Act 2014 \(c. 6\)](#), **ss. 93(4)(b)(iii)**, 139(6); S.I. 2014/2609, **art. 2**; S.I. 2015/375, **art. 3**
- F8** Words in s. 12B(3)(d) inserted (1.10.2014 for specified purposes, 1.10.2015 in so far as not already in force) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 93(4)(b)(iv)**, 139(6); S.I. 2014/2609, **art. 2**; S.I. 2015/375, **art. 3**
- F9** Words in s. 12B(5) inserted (1.10.2014 for specified purposes, 1.10.2015 in so far as not already in force) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 93(4)(c)**, 139(6); S.I. 2014/2609, **art. 2**; S.I. 2015/375, **art. 3**
- F10** Word in s. 12B(6) omitted (1.10.2014 for specified purposes, 1.10.2015 in so far as not already in force) by virtue of [Children and Families Act 2014 \(c. 6\)](#), **ss. 93(4)(d)(i)**, 139(6); S.I. 2014/2609, **art. 2**; S.I. 2015/375, **art. 3**
- F11** Words in s. 12B(6) inserted (1.10.2014 for specified purposes, 1.10.2015 in so far as not already in force) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 93(4)(d)(ii)**, 139(6); S.I. 2014/2609, **art. 2**; S.I. 2015/375, **art. 3**

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Changes and effects yet to be applied to :

- s. 12B(3)(a) words inserted by [2014 c. 6 s. 93\(4\)\(b\)\(iv\)](#)
- s. 12B(3)(b) words inserted by [2014 c. 6 s. 93\(4\)\(b\)\(iv\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 12D(1A)-(1F) inserted by [2017 anaw 2 s. 51](#)
- s. 39(2A) inserted by [2010 c. 26 Sch. 3 para. 3](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 3 Pt. 2 repealed (4.9.2013) without ever being in force by [2013 c. 22, s. 17\(4\)](#) ; S.I. 2013/2200 art. 2(a))
- s. 49(12)-(14) inserted by [1999 c. 23 Sch. 2 para. 3\(9\)](#)