

2010 No. 864

CHILDREN AND YOUNG PERSONS, ENGLAND

**The Protection from Tobacco (Sales from Vending Machines)
(England) Regulations 2010**

Made - - - - *17th March 2010*

Coming into force - - *1st October 2011*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 3A of the Children and Young Persons (Protection from Tobacco) Act 1991(a).

A draft of these Regulations was laid before Parliament in accordance with section 3A(7)(a) of that Act and approved by resolution of each House of Parliament.

Citation, commencement and application

1.—(1) These Regulations may be cited as the Protection from Tobacco (Sales from Vending Machines) (England) Regulations 2010 and come into force on 1st October 2011.

(2) These Regulations apply in relation to England.

Prohibition of the sale of tobacco from vending machines

2.—(1) The sale of tobacco from an automatic machine is prohibited.

(2) The person who controls, or is concerned with the management of, the premises where the automatic machine is located shall be liable for a breach of paragraph (1).

(3) In this regulation—

“premises” includes any place and any vehicle, vessel, hovercraft, stall or moveable structure.

Signed by authority of the Secretary of State for Health.

17th March 2010

Gillian Merron
Minister of State,
Department of Health

(a) 1991 c.23. Section 3A was inserted by the Health Act 2009 (c. 21), section 22. See section 3A(8) for the definition of “the appropriate national authority”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prohibit the sale of tobacco from an automatic machine.

Regulation 2 prohibits the sale of tobacco from an automatic machine. Liability for a breach of this prohibition will fall on the person who controls or manages the premises in which the automatic machine is located.

A draft of these Regulations has been notified to the European Commission as a technical standard, pursuant to Directive 98/34/EC of the European Parliament and the Council (OJ No L204, 21.7.98, p37) laying down a procedure for the provision of information in the field of technical standards and regulations, as amended.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from the Tobacco Programme, Department of Health, Room 712, Wellington House, 133-155 Waterloo Road, London SE1 8UG and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website (www.opsi.gov.uk).

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