Draft Regulations laid before the Assembly under section 24(2) of the Tobacco Retailers Act (Northern Ireland) 2014 for approval

DRAFT STATUTORY RULES OF NORTHERN IRELAND

2016 No.

PUBLIC HEALTH

The Tobacco Retailer (Fixed Penalty) (Amount) Regulations (Northern Ireland) 2016

Made - - - -

Coming into operation - *1st July 2016*

The Department of Health, Social Services and Public Safety makes the following Regulations, in exercise of the powers conferred by sections 12(8) and 24(3) of the Tobacco Retailers Act (Northern Ireland) 2014 **(a)**.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Tobacco Retailer (Fixed Penalty) (Amount) Regulations (Northern Ireland) 2016 and shall come into operation on 1st July 2016.

(2) In these regulations –

"the Act" means the Tobacco Retailers Act (Northern Ireland) 2014

"the 1978 Order" means the Health and Personal Social Services (Northern Ireland) Order 1978 **(b)**.

"the 1991 Order" means the Children and Young Persons (Protection from Tobacco) (Northern Ireland) Order 1991(**c**).

Amount of fixed penalty

2. The fixed penalty in respect of an alleged offence shown in column (1) of the Schedule shall be the amount shown opposite in column (2).

(**a**) 2014 c.4 (N.I.)
(**b**) S.I 1978/1907 (N.I. 26)
(**c**) S.I 1991/1872 (N.I. 25)

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on



Name
A senior officer of the
Department of Health, Social Services and Public Safety

SCHEDULE

Regulation 2

Amount of Fixed Penalty

(1) Offence	*(2) Fixed Penalty*
An unregistered person carrying on a tobacco business (section 10 (1) of the Act).	£500.00
A registered person carrying on a tobacco business at premises other than those noted in the person's entry in the Register (section 10(2) of the Act).	£500.00
A person who fails, without reasonable excuse, to comply with section 3 (duty to notify certain changes) (section 10(3) of the Act).	£50.00
A person who fails, without reasonable excuse, to comply with section 8(2) (in relation to the display of a notice if subject to a restricted premises order) (section 10(7) of the Act).	£100.00
A person who fails, without reasonable excuse, to comply with section 9(2) (in relation to removal of tobacco or cigarette papers from the retail area where a restricted premises order has effect) (section 10(8) of the Act).	£500.00
A person who sells to a person under the age of 18 any tobacco or cigarette papers, whether for his own use or not (Article 3 of the 1978 Order) (**a**).	£250.00
Failure to comply with a court order made in relation to the control of an automatic machine for the sale of tobacco (Article 4 of the 1978 Order).	£250.00
A person aged 18 or over who knowingly buys or attempts to buy tobacco or cigarette papers on behalf of a person under the age of 18 (Article 4A of the 1978 Order) (**b**).	£250.00
A person carrying on a retail business who sells cigarettes to any person other than pre-packed cigarettes in their original package (Article 4 of the 1991 Order).	£250.00
Failure to comply with the prohibition of the sale of tobacco from an automatic machine (Article 4A of the 1991 Order) (**c**).	£250.00
Failure to display a notice stating "It is illegal to sell tobacco products to anyone under the age of 18" in retail premises where tobacco is sold (Article 5 of the 1991 Order) (**d**).	£100.00

(**a**) Article 3 was amended by the Children and Young Persons (Sale of Tobacco etc.) Regulations (Northern Ireland) 2008 and section 18(2) of the Tobacco Retailers Act (Northern Ireland) 2014.
(**b**) Article 4A was inserted by section 18(3) of the Tobacco Retailers Act (Northern Ireland) 2014.
(**c**) Article 4A was inserted by section 23 of the Health Act 2009.
(**d**) Article 5 was amended by the Children and Young Persons (Sale of Tobacco etc.) Regulations (Northern Ireland) 2008.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the amount of fixed penalties for certain tobacco-related offences under the Health and Personal Social Services (Northern Ireland) Order 1978, the Children and Young Persons (Protection from Tobacco) (Northern Ireland) Order 1991 and the Tobacco Retailers Act (Northern Ireland) 2014.

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