

*Draft Order laid before Parliament under section 79(4) of the Health Act 2006, for approval by
resolution of each House of Parliament*

DRAFT STATUTORY INSTRUMENTS

2007 No.

**CHILDREN AND YOUNG
PERSONS, ENGLAND AND WALES
PUBLIC HEALTH, ENGLAND AND WALES**

**The Children and Young Persons
(Sale of Tobacco etc.) Order 2007**

Made - - - - 2007

Coming into force - - 1st October 2007

The Secretary of State for Health, in exercise of the powers conferred by sections 13, 79(3) and 80(3) and (8) of the Health Act 2006⁽¹⁾ makes the following Order, a draft of which was laid before Parliament in accordance with section 79(4) of that Act and approved by a resolution of each House of Parliament:—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Children and Young Persons (Sale of Tobacco etc.) Order 2007.

(2) This Article and Article 2(a), so far as it amends the side-note to section 7 of the 1933 Act, come into force on 1st October 2007.

(3) Article 2(a), so far as it amends section 7(1) of the 1933 Act, comes into force on 1st October 2007 in relation to sales on or after that day.

(4) Article 2(a), so far as it amends section 7(2) of the 1933 Act, comes into force on 1st October 2007 in relation to the use of machines on or after that day.

(5) Article 2(b) comes into force on 1st October 2007 in relation to orders made under section 7(2) of the 1933 Act as amended by this Order.

(6) Article 3 comes into force on 1st October 2007 in relation to the exhibition of notices on or after that day.

(7) In this Order “the 1933 Act” means the Children and Young Persons Act 1933(2).

Substitution of references to age in sections 7 and 102 of the 1933 Act

2. For the word “sixteen” there is substituted the word “eighteen” in the following provisions of the 1933 Act—

- (a) subsections (1) and (2) of, and the side-note to, section 7 (sale of tobacco, etc, to persons under sixteen); and
- (b) section 102(1)(e) (appeals to the Crown Court).

Substitution of references to age in statements required by section 4 of the Children and Young Persons (Protection from Tobacco) Act 1991

3. In section 4 of the Children and Young Persons (Protection from Tobacco) Act 1991(3)—

- (a) in the statement in subsection (1) (warning statement in retail premises) for “the age of 16” there is substituted “the age of 18”; and
- (b) in the statement in subsection (2) (warning statement on automatic machines for the sale of tobacco) for “aged 16 or over” there is substituted “aged 18 or over”.

Signed by authority of the Secretary of State for Health

Date

Name
Minister of State for Public Health
Department of Health

(2) 1933 c.12. Section 7 has been amended by the Protection of Children (Tobacco) Act 1986 (c.34), section 1; the Children and Young Persons (Protection from Tobacco) Act 1991 (c.23), section 1 and the Courts Act 2003 (c.39), section 108 and Schedule 8, paragraph 72.

(3) 1991 (c.23).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order substitutes the age of 18 for the age of 16 in the following provisions which relate to the prohibition on the sale of tobacco products and cigarette papers to young persons in England and Wales.

Article 2 makes that substitution in two provisions in section 7 of the Children and Young Persons Act 1933—

- subsection (1) which creates the offence of selling tobacco or cigarette papers to young persons; and
- subsection (2) which confers powers on the magistrates' court to order the removal or make certain other provision in respect of tobacco vending machines used by young persons.

Article 2 also makes a consequential amendment to section 102 of that Act which makes provision for appeals to the Crown Court in respect of orders made by magistrates' courts under section 7(2).

Article 3 substitutes the age of 18 in the statements which are required to appear in notices by section 4 of the Children and Young Persons (Protection from Tobacco) Act 1991. When this Order comes into force the statement in the notice required in retail premises where tobacco is sold will be—

- It is illegal to sell tobacco products to anyone under the age of 18.

From the same date the statement in the notice required on tobacco vending machines will be—

- This machine is only for the use of people aged 18 or over.

The Children and Young Persons (Protection from Tobacco) Act 1991 extends to Scotland but the amendments to that Act made by this Order apply only to England and Wales.

A Regulatory Impact Assessment has been prepared for this Order and a copy has been placed in the library of each House of Parliament. Copies can be obtained from the Smokefree Legislation Team, Room 712, Department of Health, Wellington House, 133-135 Waterloo Road, London SE1 8UG.