



## 2014 CHAPTER 4

### *Offences*

#### **Offences**

**10.—**(1) If an unregistered person carries on a tobacco business, the person commits an offence.

(2) If a registered person carries on a tobacco business at premises other than those noted in the person's entry in the Register, the person commits an offence.

(3) If a person fails, without reasonable excuse, to comply with section 3 (duty to notify certain changes), the person commits an offence.

(4) If—

(a) a person sells on any premises any tobacco [<sup>F1</sup>, cigarette papers or nicotine products] in contravention of a restricted premises order, and

(b) the person knew, or ought reasonably to have known, that the sale was in contravention of the order,

the person commits an offence.

(5) If a person fails to comply with a restricted sale order, the person commits an offence.

(6) It is a defence for a person charged with an offence under subsection (5) to prove that the person took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(7) If a person fails, without reasonable excuse, to comply with section 8(2), the person commits an offence.

(8) If a person fails, without reasonable excuse, to comply with section 9(2), the person commits an offence.

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**Changes to legislation:** There are currently no known outstanding effects for the Tobacco Retailers Act (Northern Ireland) 2014, Section 10. (See end of Document for details)

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- (9) A person guilty of an offence under—
- (a) subsection (1) or (2) is liable on summary conviction to a fine not exceeding level 5 on the standard scale;
  - (b) subsection (3) is liable on summary conviction to a fine not exceeding level 2 on the standard scale;
  - (c) subsection (4) or (5) is liable on summary conviction to a fine not exceeding £20,000;
  - (d) subsection (7) is liable on summary conviction to a fine not exceeding level 3 on the standard scale;
  - (e) subsection (8) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

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**Textual Amendments**

- F1** Words in s. 10(4)(a) substituted (1.2.2022) by [Health \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2016 \(c. 26\), s. 20\(3\), Sch. 1 para. 8](#); S.R. 2021/329, art. 2(c)
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**Commencement Information**

- II** S. 10 in operation at 1.7.2016 by S.R. 2016/101, art. 2(b), [Sch. 2](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Tobacco Retailers Act (Northern Ireland) 2014, Section 10.