



## 2014 CHAPTER 4

### *Persistent commission of tobacco offences*

#### **Restricted sale orders**

6.—(1) This section applies where a person (“the offender”)—

- (a) is given a fixed penalty notice in respect of a tobacco offence; or
- (b) is convicted of a tobacco offence.

(2) In the following provisions of this section “the relevant offence” means the offence mentioned in subsection (1)(a) or (b).

(3) A court of summary jurisdiction may, on application made by complaint by the council in whose district the premises in relation to which the relevant offence was committed are situated, make a restricted sale order in respect of the offender.

(4) A restricted sale order is an order prohibiting the person to whom it relates—

- (a) from selling any tobacco or cigarette papers 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 or cigarette papers to any person;
- (c) from keeping any cigarette machine on any premises for the purpose of selling tobacco or permitting any cigarette 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 cigarette machine kept on the premises for the purpose of selling tobacco.

(5) The order has effect for the period specified in the order, but that period must not be less than 28 days or more than 3 years.

(6) The court may make the order if (and only if) it is satisfied that, on at least 2 other occasions within the period of 5 years ending with the date on which the relevant offence was committed, the offender has been—

- (a) given a fixed penalty notice in respect of a tobacco offence; or
- (b) convicted of a tobacco offence.

(7) For the purposes of this section a fixed penalty notice which is given to the offender in respect of a tobacco offence is to be disregarded if it is withdrawn or if proceedings are brought against the offender for the offence to which the notice relates.

(8) In this section any reference to a cigarette machine is a reference to an automatic machine for the sale of tobacco.