



Children and Young Persons (Protection from Tobacco) Act 1991

1991 CHAPTER 23

[^{F1}3A Sales from vending machines in England and Wales

- (1) The appropriate national authority may by regulations make provision prohibiting the sale of tobacco from an automatic machine in England and Wales.
- (2) The regulations must make provision as to the persons who are liable in the case of any breach of a prohibition.
- (3) Where a prohibition contained in the regulations is breached, any person liable in accordance with the regulations is guilty of an offence.
- (4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (5) Sections 13, 14 and 15 of the Tobacco Advertising and Promotion Act 2002 (enforcement etc.) apply for the purposes of this section and regulations made under it as they apply for the purposes of provisions of that Act.
- (6) The power of the appropriate national authority to make regulations under this section—
 - (a) is exercisable by statutory instrument,
 - (b) may be exercised to make different provision for different cases or circumstances, and
 - (c) includes power to make supplementary, incidental, consequential or transitional provision.
- (7) A statutory instrument containing regulations made under this section may not be made—
 - (a) by the Secretary of State unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament, and
 - (b) by the Welsh Ministers unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.

Changes to legislation: There are currently no known outstanding effects for the Children and Young Persons (Protection from Tobacco) Act 1991, Section 3A. (See end of Document for details)

(8) In this section—

“the appropriate national authority”—

(a) in relation to England, means the Secretary of State; and

(b) in relation to Wales, means the Welsh Ministers;

“tobacco” has the same meaning as in section 7 of the Children and Young Persons Act 1933.]

Textual Amendments

- F1** S. 3A inserted (12.11.2009 for specified purposes, 1.10.2011 for E. in so far as not already in force, 1.2.2012 for W. in so far as not already in force) by [Health Act 2009 \(c. 21\)](#), [ss. 22\(1\)](#), [40\(1\)](#), [\(6\)\(b\)](#); [S.I. 2010/1068](#), [art. 2\(1\)\(a\)](#) (as amended (9.5.2011) by [S.I. 2011/1255](#), [art. 2\(a\)\(b\)](#)); [S.I. 2011/2362](#), [art. 2](#)

Changes to legislation:

There are currently no known outstanding effects for the Children and Young Persons (Protection from Tobacco) Act 1991, Section 3A.