



# Children and Young Persons (Protection from Tobacco) Act 1991

## 1991 CHAPTER 23

### 4 Display of warning statements in retail premises and on vending machines.

- (1) [<sup>F1</sup>A notice displaying the following statement— “ It is illegal to sell tobacco products to anyone under [<sup>F2</sup>the age of 18] ”shall be exhibited at every premises at which tobacco is sold by retail, and shall be so exhibited in a prominent position where the statement is readily visible to persons at the point of sale of the tobacco; and where—
  - (a) any person carries on a business involving the sale of tobacco by retail at any premises, and
  - (b) no notice is exhibited at those premises in accordance with this subsection, that person shall be guilty of an offence.]
- (2) A notice displaying the following statement— “ This machine is only for the use of people [<sup>F3</sup>aged 18 or over] ”shall be exhibited on every automatic machine for the sale of tobacco which is kept available for use as such at any premises, and shall be so exhibited in such a way that the statement is readily visible to persons using the machine; and where—
  - (a) any person is the owner of any such machine which is so kept or the owner of the premises at which any such machine is so kept, and
  - (b) no notice is exhibited on the machine in accordance with this subsection, that person shall be guilty of an offence.
- (3) The dimensions of the notice to be exhibited in accordance with subsection [<sup>F4</sup>(1) or] (2) above, and the size of the statement to be displayed on it, shall be such as may be prescribed by regulations made by the Secretary of State; and any such regulations may make different provision for different cases.
- (4) Any person guilty of an offence under subsection [<sup>F4</sup>(1) or] (2) above shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) It shall be a defence for a person charged with any such offence to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

*Status: Point in time view as at 01/04/2011. This version of this provision has been superseded.  
Changes to legislation: There are currently no known outstanding effects for the Children and Young Persons (Protection from Tobacco) Act 1991, Section 4. (See end of Document for details)*

- (6) Where any such offence is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

In relation to a body corporate whose affairs are managed by its members, “director” means a member of the body corporate.

- (7) Where any such offence is committed in Scotland by a Scottish partnership and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, he as well as the partnership shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

- (8) In this section—

“premises” includes any place and any vehicle, vessel, aircraft, hovercraft, stall or moveable structure; and

“tobacco” [<sup>F5</sup>(except where it appears in the statement required by subsection (1))] has the same meaning as in section 7 of the <sup>M1</sup>Children and Young Persons Act 1933 or, in relation to Scotland, section 18 of the <sup>M2</sup>Children and Young Persons (Scotland) Act 1937.

- (9) Any regulations under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F1** S. 4(1) omitted (S.) (1.4.2011) by virtue of [The Tobacco and Primary Medical Services \(Scotland\) Act 2010 \(Commencement No. 1, Consequential and Saving Provisions\) Order 2010 \(S.S.I. 2010/345\)](#), [art. 3\(a\)](#) (which affecting provision was revoked (29.4.2013) by [S.S.I. 2013/106](#), art. 4(a))
- F2** S. 4(1): words "the age of 18" substituted (E.W.) (1.10.2007) for "the age of 16" by [Children and Young Persons \(Sale of Tobacco etc.\) Order 2007 \(S.I. 2007/767\)](#), [arts. 1\(6\), 3\(a\)](#) and by [The Smoking, Health and Social Care \(Scotland\) Act 2005 \(Variation of Age Limit for Sale of Tobacco etc. and Consequential Modifications\) Order 2007 \(S.S.I. 2007/437\)](#), arts. 1, 3 the number "18" is substituted for "16" (S.) (1.10.2007)
- F3** S. 4(2): words "aged 18 or over" substituted (E.W.) (1.10.2007) for "aged 16 or over" by [Children and Young Persons \(Sale of Tobacco etc.\) Order 2007 \(S.I. 2007/767\)](#), [arts. 1\(6\), 3\(b\)](#) and by [The Smoking, Health and Social Care \(Scotland\) Act 2005 \(Variation of Age Limit for Sale of Tobacco etc. and Consequential Modifications\) Order 2007 \(S.S.I. 2007/437\)](#), arts. 1, 3 the number "18" is substituted for "16" (S.) (1.10.2007)
- F4** Words in s. 4(3)(4) omitted (S.) (1.4.2011) by virtue of [The Tobacco and Primary Medical Services \(Scotland\) Act 2010 \(Commencement No. 1, Consequential and Saving Provisions\) Order 2010 \(S.S.I. 2010/345\)](#), [art. 3\(b\)](#) (which affecting provision was revoked (29.4.2013) by [S.S.I. 2013/106](#), art. 4(a))
- F5** Words in s. 4(8) omitted (S.) (1.4.2011) by virtue of [The Tobacco and Primary Medical Services \(Scotland\) Act 2010 \(Commencement No. 1, Consequential and Saving Provisions\) Order 2010 \(S.S.I. 2010/345\)](#), [art. 3\(c\)](#) (which affecting provision was revoked (29.4.2013) by [S.S.I. 2013/106](#), art. 4(a))

#### Modifications etc. (not altering text)

- C1** S. 4 power to amend conferred (19.7.2006 for specified purposes, 1.7.2007 in so far as not already in force) by [Health Act 2006 \(c. 28\)](#), [ss. 13, 83\(1\)\(e\)](#); [S.I. 2007/1375](#), [art. 2\(a\)](#) (as amended (E.W.) (24.5.2018) by [The Welsh Ministers \(Transfer of Functions\) Order 2018 \(S.I. 2018/644\)](#), [arts. 1\(1\), 42\(2\)\(a\)](#))

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**Commencement Information**

**I1** S. 4 wholly in force: s. 4(3)(9) in force at 17.12.1992 and s. 4(1)(2)(4)(5)-(8) in force at 20.2.1993 by [S.I. 1992/3227, art. 2](#)

**Marginal Citations**

**M1** 1933 c. 12.

**M2** 1937 c. 37.

**Status:**

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**Changes to legislation:**

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