



# Children and Families Act 2014

## 2014 CHAPTER 6

### PART 5

#### WELFARE OF CHILDREN

##### *Tobacco, nicotine products and smoking*

#### **91 Purchase of tobacco etc. on behalf of persons under 18**

- (1) A person aged 18 or over who buys or attempts to buy tobacco or cigarette papers on behalf of an individual aged under 18 commits an offence.
- (2) Where a person is charged with an offence under this section it is a defence—
  - (a) that the person had no reason to suspect that the individual concerned was aged under 18, or
  - (b) in a case where the person has bought or attempted to buy cigarette papers, that the person had no reason to suspect that the individual concerned intended to use the papers for smoking.
- (3) 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.
- (4) A local weights and measures authority in England and Wales must enforce the provisions of this section in its area.
- (5) Section 9 of, and Schedule 1 to, the Health Act 2006 (issue of fixed penalty notices in relation to certain smoking related offences) apply in relation to an offence under this section as they apply in relation to an offence under section 6(5) or 7(2) of that Act but with the following modifications—
  - (a) references to an enforcement authority are to be read as references to a local weights and measures authority;
  - (b) references to an authorised officer of an enforcement authority are to be read as references to any person authorised by a local weights and measures authority

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*Status: This is the original version (as it was originally enacted).*

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(whether or not an officer of the authority) in writing, either generally or specially, to act in matters arising under this section.

- (6) Section 11 of, and Schedule 2 to, the Health Act 2006 (offence of obstruction of enforcement officers and powers of entry etc) apply for the purposes of this section as they apply for the purposes of Chapter 1 of Part 1 of that Act but with the following modifications—
- (a) references to an enforcement authority are to be read as references to a local weights and measures authority;
  - (b) references to an authorised officer of an enforcement authority are to be read as references to any person (whether or not an officer of the authority) authorised by a local weights and measures authority in writing, either generally or specially, to act in matters arising under this section;
  - (c) references to Chapter 1 of Part 1 of the Act of 2006 are to be read as references to this section;
  - (d) section 11(5) is to be ignored;
  - (e) paragraph 10 of Schedule 2 is to be ignored.
- (7) “Tobacco” has the same meaning in this section as in section 7 of the Children and Young Persons Act 1933 (offence of selling tobacco to children).