



# Children and Young Persons Act 1933

1933 CHAPTER 12 23 and 24 Geo 5

## PART I

### PREVENTION OF CRUELTY AND EXPOSURE TO MORAL AND PHYSICAL DANGER

#### *Offences*

#### **7 Sale of tobacco, &c. to persons under sixteen.**

(1) Any person who sells to a person [<sup>F1</sup>. . .] under the age of sixteen years any tobacco or cigarette papers, whether for his own use or not, shall be liable, [<sup>F2</sup>on summary conviction to a fine not exceeding level 4 on the standard scale.]

[<sup>F3</sup>(1A) It shall be a defence for a person charged with an offence under subsection (1) above to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.]

(2) If on complaint to a court of summary jurisdiction it is proved to the satisfaction of the court that any automatic machine for the sale of tobacco kept on any premises [<sup>F4</sup>has been used by any person] under the age of sixteen years, the court [<sup>F5</sup>shall] order the owner of the machine, or the person on whose premises the machine is kept, to take such precautions to prevent the machine being so used as may be specified in the order or, if necessary, to remove the machine, within such time as may be specified in the order, and if any person against whom such an order has been made fails to comply therewith, he shall be liable, on summary conviction, [<sup>F6</sup>to a fine not exceeding level 4 on the standard scale.]

(3) It shall be the duty of a constable and of a park-keeper being in uniform to seize any tobacco or cigarette papers in the possession of any person apparently under the age of sixteen years whom he finds smoking in any street or public place, and any tobacco or cigarette papers so seized shall be disposed of, if seized by a constable, in such manner as the police authority may direct, and if seized by a park-keeper, in such manner as the authority or person by whom he was appointed may direct.

*Status: Point in time view as at 21/03/2005. This version of this provision has been superseded.*

*Changes to legislation: Children and Young Persons Act 1933, Section 7 is up to date with all changes known to be in force on or before 02 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (4) Nothing in this section shall make it an offence to sell tobacco or cigarette papers to, or shall authorise the seizure of tobacco or cigarette papers in the possession of, any person who is at the time employed by a manufacturer of or dealer in tobacco, either wholesale or retail, for the purposes of his business, or is a boy messenger in uniform in the employment of a messenger company and employed as such at the time.
- (5) For the purposes of this section the expression “tobacco” includes cigarettes [<sup>F7</sup>any product containing tobacco and intended for oral or nasal use] and smoking mixtures intended as a substitute for tobacco, and the expression “cigarettes” includes cut tobacco rolled up in paper, tobacco leaf, or other material in such form as to be capable of immediate use for smoking.

#### Textual Amendments

- F1** Word in s. 7(1) omitted (1.3.1992) by virtue of Children and Young Persons (Protection from Tobacco) Act 1991 (c. 23, SIF 20), s. 1(2)(a), (with s. 8(3)); S.I. 1992/332, art. 2
- F2** Words in s. 7(1) substituted (1.3.1992) by Children and Young Persons (Protection from Tobacco) Act 1991 (c. 23, SIF 20), s. 1(2)(b), (with s. 8(3)); S.I. 1992/332, art. 2
- F3** S. 7(1A) inserted (1.3.1992) by Children and Young Persons (Protection from Tobacco) Act 1991 (c. 23, SIF 20), s. 1(3), (with s. 8(3)); S.I. 1992/332, art. 2
- F4** Words in s. 7(2) substituted (1.3.1992) by Children and Young Persons (Protection from Tobacco) Act 1991 (c. 23, SIF 20), s. 1(4)(a), (with s. 8(3)(4)); S.I. 1992/332, art. 2
- F5** Word substituted by Protection of Children (Tobacco) Act 1986 (c. 34, SIF 20), s. 1(1)(b)(2)
- F6** Words in s. 7(2) substituted (1.3.1992) by Children and Young Persons (Protection from Tobacco) Act 1991 (c. 23, SIF 20), s. 1(4)(b), (with s. 8(3)(4)); S.I. 1992/332, art. 2
- F7** Words inserted by Protection of Children (Tobacco) Act 1986 (c. 34, SIF 20), s. 1(1)(c)

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

- C1** In s. 7: definition of “tobacco” applied (20.2.1993) by Children and Young Persons (Protection from Tobacco) Act 1991 (c. 23, SIF 20), s. 4(8); S.I. 1992/3227, art. 2(2).
- C2** Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 35 (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply (E.W.)
- C3** S. 7(2) saved (1.3.1992) by Children and Young Persons (Protection from Tobacco) Act 1991 (c. 23, SIF 20), s. 8(5); S.I. 1992/332, art. 2

**Status:**

Point in time view as at 21/03/2005. This version of this provision has been superseded.

**Changes to legislation:**

Children and Young Persons Act 1933, Section 7 is up to date with all changes known to be in force on or before 02 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.