
EXPLANATORY NOTE

(This note is not part of the Order)

This Order substitutes the age of 18 for the age of 16 in the following provisions which relate to the prohibition on the sale of tobacco products and cigarette papers to young persons in England and Wales.

Article 2 makes that substitution in two provisions in section 7 of the Children and Young Persons Act 1933—

- subsection (1) which creates the offence of selling tobacco or cigarette papers to young persons; and
- subsection (2) which confers powers on the magistrates' court to order the removal or make certain other provision in respect of tobacco vending machines used by young persons.

Article 2 also makes a consequential amendment to section 102 of that Act which makes provision for appeals to the Crown Court in respect of orders made by magistrates' courts under section 7(2).

Article 3 substitutes the age of 18 in the statements which are required to appear in notices by section 4 of the Children and Young Persons (Protection from Tobacco) Act 1991. When this Order comes into force the statement in the notice required in retail premises where tobacco is sold will be—

- It is illegal to sell tobacco products to anyone under the age of 18.

From the same date the statement in the notice required on tobacco vending machines will be—

- This machine is only for the use of people aged 18 or over.

The Children and Young Persons (Protection from Tobacco) Act 1991 extends to Scotland but the amendments to that Act made by this Order apply only to England and Wales.

A Regulatory Impact Assessment has been prepared for this Order and a copy has been placed in the library of each House of Parliament. Copies can be obtained from the Smokefree Legislation Team, Room 712, Department of Health, Wellington House, 133-135 Waterloo Road, London SE1 8UG.