STATUTORY INSTRUMENTS

2015 No. 936

PUBLIC HEALTH, ENGLAND

The Proxy Purchasing of Tobacco, Nicotine Products etc. (Fixed Penalty Notice) (England) Regulations 2015

Made - - - -	*26th March 2015*
Laid before Parliament	*27th March 2015*
Coming into force - -	*1st October 2015*

The Secretary of State makes the following Regulations in exercise of the powers conferred by paragraph 4 of Schedule 1 to the Health Act 2006(**1**).

Citation, commencement and application

1.—(1) These Regulations may be cited as the Proxy Purchasing of Tobacco, Nicotine Products etc. (Fixed Penalty Notice) (England) Regulations 2015 and come into force on 1st October 2015.

(2) These Regulations apply in relation to England only.

Form of fixed penalty notice

2.—(1) The penalty notice form set out in the Schedule to these Regulations is specified in relation to the offence of buying or attempting to buy tobacco, cigarette papers or a relevant nicotine product on behalf of an individual aged under 18 under section 91 of the Children and Families Act 2014(**2**).

(2) A local weights and measures authority may use a penalty notice form in a size or design which differs from the form specified in the Schedule, provided that the content of the penalty notice form is not changed from that specified in the Schedule except as permitted by paragraph (3).

(3) A local weights and measures authority may include in a penalty notice form—

(a) information or illustrations to assist a person to whom it is given, for example on how payments can be made;

(b) information or illustrations to assist it in the performance of its enforcement functions under section 91 of the Children and Families Act 2014, for example to assist in its administrative procedures or data processing;

(**1**) 2006 c.28 As to the meaning of "the appropriate national authority" see section 82(1) of the Health Act 2006 ("the 2006 Act"). Schedule 1 to the 2006 Act applies with modifications to an offence under section 91 of the Children and Families Act 2014 ("the 2014 Act") by virtue of section 91(5) of the 2014 Act. Section 91 of the 2014 Act was extended to include relevant nicotine products by regulation 2 of S.I. 2015/895.

(**2**) 2014 c.6.

(c) coats of arms or logos.

Signed by authority of the Secretary of State of Health.

Jane Ellison
Parliamentary Under-Secretary of State,
Department of Health

26th March 2015

SCHEDULE Regulation 2(1)

[NAME OF LOCAL WEIGHTS AND MEASURES AUTHORITY]
[ADDRESS OF LOCAL WEIGHTS AND MEASURES AUTHORITY]

CHILDREN AND FAMILIES ACT 2014: SECTION 91 (PURCHASE OF TOBACCO, NICOTINE PRODUCTS ETC. ON BEHALF OF PERSONS UNDER 18)

FIXED PENALTY NOTICE

PENALTY AMOUNT £90

PART 1

RECIPIENT COPY

Penalty notice number: _____

Full name of alleged offender: _____

Address of alleged offender: _____

_____

Post code: _____

Date of birth (if known): _____

Male/female (circle one)

I, _____ (name), an authorised officer of [name of local weights and measures authority] have reason to believe that you committed an offence under section 91 of the Children and Families Act 2014 (buying or attempting to buy tobacco, cigarette papers or a relevant nicotine product on behalf of an individual aged under 18) within an area in which [name of local weights and measures authority] has enforcement responsibilities.

The circumstances alleged to constitute the offence are that

at: _____ (time) on _____ (date)

you in the following place (where alleged offence took place, including address, if any):

_____

_____

allegedly (details of offence):

_____

_____

_____

This notice offers you the opportunity of discharging any liability for conviction of that offence by payment of a fixed penalty of £90 (ninety pounds). No proceedings will be taken for this offence before the expiration of 29 days beginning with _____ [insert date on which this notice is given].

You will not be liable to conviction for the offence if you pay the fixed penalty within that period. In this Form this period is referred to as the 29 day period.

You can pay a discounted amount of £60 (sixty pounds) if you pay within the period of 15 days beginning with _____ [insert the date on which this notice is given]. If the 15th day is not a working day, you may pay on the next working day(**a**) In this Form this period is referred to as the 15 day period.

Information for the immediate attention of the person who has been issued this penalty notice is at Part 2 of this notice. Details about how to pay this fixed penalty are at Part 3 of this notice. Details about how to request a court hearing in relation to this alleged offence are at Part 4 of this notice.

If you have any questions, or if you wish to discuss this notice, please contact [name and address of local weights and measures authority and contact details].

_____

Signature of authorised officer

_____

Date of issue

(**a**) "Working day" means any day which is not Saturday, Sunday, Christmas Day, Good Friday or a day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971.