STATUTORY RULES OF NORTHERN IRELAND

2012 No. 389 (C. 38)

PUBLIC HEALTH

The Health (2009 Act) (Commencement No. 2) Order (Northern Ireland) 2012

Made - - - - 25th October 2012

The Department of Health, Social Services and Public Safety, makes the following Order in exercise of the powers conferred by section 40(3) and (4) of the Health Act 2009(**1**).

Citation and interpretation

1.—(1) This Order may be cited as the Health (2009 Act) (Commencement No. 2) Order (Northern Ireland) 2012.

(2) In this Order –

"the Act" means the Health Act 2009;

"bulk tobacconist" means a shop selling tobacco products (whether or not it also sells other products) whose sales of cigarettes or hand-rolling tobacco, measured in accordance with paragraph (3), meet the following conditions—

(i) at least 90% of its cigarette sales are in pre-packed quantities of 200 or more cigarettes in their original package, and the remainder in pre-packed quantities of 100 or more cigarettes in their original package; and

(ii) at least 90% of its hand-rolling tobacco sales are in pre-packed quantities with a weight of 250 grams or more in their original package, and the remainder in pre-packed quantities with a weight of 125 grams or more in their original package;

"large shop" means a shop which has a relevant floor area exceeding 280 square metres;

"original package" means the package in which the cigarettes or hand-rolling tobacco were supplied for the purpose of retail sale by the manufacturer or importer;

"package" means any box, carton or other container;

"relevant floor area", in relation to a shop, means the internal floor area of so much of the shop as consists of, or is comprised in, a building but excluding any part of the shop which is used neither for the serving of customers in connection with the sale of goods nor for the display of goods; and

(**1**) 2009 c.21.

"specialist tobacconist" has the meaning given in section 6 of the Tobacco Advertising and Promotion Act 2002(**2**).

(3) The sales referred to in the definition of "bulk tobacconist" are to be measured by sale price –

(a) during the most recent period of twelve months for which accounts are available; or

(b) during the period for which the shop has been established, if it has not been established long enough for twelve months' accounts to be available.

Appointed days

2.—(1) 31 October 2012 is the day appointed for the coming into force of the following provisions of the Act –

(a) section 21 (prohibition of tobacco displays etc) to the extent that it is not already in force, in so far as it inserts sections 7A, 7B and 7C of the Tobacco Advertising and Promotion Act 2002 (prohibition of tobacco displays, tobacco displays: exclusions and defence and displays: prices of tobacco products), for the purpose of large shops other than bulk tobacconists and specialist tobacconists;

(b) the following paragraphs of Schedule 4, and section 24 in so far as it relates to those paragraphs-

(i) paragraph 6(2) and paragraph 6(1) in so far as it relates to that sub-paragraph;

(ii) paragraph 7(3) and (4) and paragraph 7(1) in so far as it relates to those sub-paragraphs;

(iii) paragraph 8(2) and paragraph 8(1) in so far as it relates to that sub-paragraph;

(iv) paragraph 10;

(v) paragraphs 11 and 12 to the extent that they are not already in force; and

(vi) paragraph 2 in so far as it relates to the paragraphs listed in (i) to (v).

(2) 6 April 2015 is the day appointed for the coming into force of the following provisions of the Act-

(a) section 20 (prohibition of advertising: exclusion for specialist tobacconists) to the extent that it is not already in force;

(b) section 21 (prohibition of tobacco displays etc) in so far as it inserts sections 7A, 7B and 7C of the Tobacco Advertising and Promotion Act 2002, to the extent that it is not already in force;

(c) the following paragraphs of Schedule 4, and section 24 so far as it relates to those paragraphs-

(i) paragraph 2 to the extent that it is not already in force;

(ii) paragraph 3; and

(iii) paragraph 4(2) and (5) and paragraph 4(1) so far as it relates to those sub-paragraphs.

(**2**) 2002 c.36.