

TOBACCO CONTROL REPORT ITEM	3rd May 2016
ENVIRONMENTAL SERVICES COMMITTEE	
FOR INFORMATION	

Linkage to Corporate Plan	
Strategic Priority	Resilient Healthy & Engaged Communities
Objective	To advise members of new legislative requirements within the Tobacco Retailers Act (NI) 2014
Lead Officer	Bryan Edgar
Cost: (If applicable)	N/A

TOBACCO RETAILERS ACT (NORTHERN IRELAND) 2014

1.0 Background

From 6th April 2016, the Department of Health, Social Services and Public Safety (DHSSPS) commenced new legislation under the Tobacco Retailers Act (Northern Ireland) 2014. The Act aims to reduce smoking prevalence among children and young people by restricting their access to tobacco products.

The key provisions in the Act:

- require all tobacco retailers to register;
- provide that retailers may be banned from selling tobacco for a set period of time following 3 relevant tobacco offences within 5 years through Restricted Premises and Restricted Sale Orders
- creates a number of new offences, including those relating to the register and the offence of proxy purchasing; and
- allows for the application of fixed penalty notices for a number of tobacco offences.

1.1 Tobacco Retailer Registration

For the purposes of the Act, Belfast City Council has been nominated as the Registration Authority. Retailers can begin to sign up to the Tobacco Register NI from 6th April 2016. Registration is free, but after 1st July 2016 it will be illegal for retailers to sell tobacco products if they are not registered. Retailers can register via the Tobacco Register NI website, www.tobaccoregisterni.gov.uk . Paper applications forms can be downloaded from the website or obtained from the registration authority or local council offices.

1.2 Restricted Premises Orders & Restricted Sales Orders

Where there is persistent commission of tobacco offences i.e. 3 relevant tobacco offences in a 5 year period, Council can apply to a court for a Restricted Premises Order or Restricted Sales Orders.

Restricted Premises Orders prohibit the sale of any tobacco or cigarette papers from a specified premises. The Restricted Sales Orders prohibits a person from selling tobacco or cigarette papers or having any management function in premises where such products are sold.

Such Orders may last for a period not less than 28 days or more than 3 years and the Act allows for Orders to be appealed.

1.3 New Offences and Fixed Penalties

The Act introduces new offences in relation to tobacco business registration. It is also an offence to purchase cigarettes on behalf of a person under the age of 18 or to fail to comply with a Restricted Premises Order or Restricted Sales Order.

The Act provides Council with powers to issue fixed penalties in respect of certain tobacco offences as summarised in table 1 below. Payment within 28 days of a fixed penalty notice being issued allows a person to discharge any liability to conviction for an offence. The Fixed Penalty amounts are specified in the Tobacco Retailer (Fixed Penalty) (Amount) Regulations (Northern Ireland) 2016 however if payment is made within the first 14 days the amount payable is reduced by 25%.

Offence	Fixed Penalty
Carrying on a tobacco business while not being registered	£500
Carrying on a tobacco business at premises other than those noted in the person's entry	£500
Failing to notify of changes to the register within 28 days	£50
Failing to display a notice when subject to a restricted premises order	£100
Failing to remove tobacco from the retail area when subject to a restricted premises order	£500
Selling tobacco to a person under the age of 18	£250
Selling tobacco from a vending machine to a person under the age of 18	£250
Buying cigarettes on behalf of a person under the age of 18	£250
Selling cigarettes other than pre-packaged cigarettes, i.e. singles	£250
Failing to comply with legislation which bans the sale of tobacco from vending machines	£250
Failing to display a notice "It is illegal to sell tobacco products to anyone under the age of 18" in retail premises where tobacco is sold	£100

Council's Tobacco Control Officer is working with local business to advise of the new legislative requirements and to assist them achieving compliance through visits to premises and by writing to all relevant premises.