
STATUTORY INSTRUMENTS

2015 No. 936

PUBLIC HEALTH, ENGLAND

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

<i>Made</i>	- - - -	<i>26th March 2015</i>
<i>Laid before Parliament</i>		<i>27th March 2015</i>
<i>Coming into force</i>	- -	<i>1st October 2015</i>

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](#).

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(c) coats of arms or logos.

Signed by authority of the Secretary of State of Health.

26th March 2015

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

SCHEDULE

Regulation 2(1)

[NAME OF LOCAL WEIGHTS AND MEASURES
AUTHORITY]
[ADDRESS OF LOCAL WEIGHTS AND MEASURES
AUTHORITY]
CHILDREN AND FAMILIES ACT 2014
OF TOBACCO, NICOTINE PRODUCTS AND
PERSONS UNDER 18

FIXED PENALTY

PENALTY AMOUNT

PART 1

RECIPIENT COMPANY

Penalty notice number: _____

Full name of alleged offender: _____

Address of alleged offender: _____

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The circumstances alleged to constitute the offence are that

at: _____ (time) on _____

you in the following place (where alleged offence took place)

allegedly (details of offence):

This notice offers you the opportunity of discharging any liability by the payment of a fixed penalty of £90 (ninety pounds). No payment is required 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 penalty before the expiration of 29 days beginning with _____ [insert date on which this notice is given]. 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 the penalty before the expiration of 15 days beginning with _____ [insert 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) “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.

PART 2

INFORMATION FOR THE IMMEDIATE PERSON WHO HAS BEEN ISSUED WITH

You have received this notice because the authorised officer [name of local weights and measures authority] named in Part 1 of this notice has referred you to the offence of buying or attempting to buy tobacco, cigars or cigarettes on behalf of an individual aged under 18 as described in Part 1, you must either pay the penalty or request that the officer does not do both.

If you fail to do either, [name of local weights and measures authority] court. A person found guilty of the offence of buying or attempting to buy tobacco, cigars or cigarettes on behalf of an individual aged under 18 is liable on summary conviction to a fine not exceeding level 4 on the

PART 3

PAYING THE PENALTY

The amount of the fixed penalty is £90 (ninety pounds), which is specified in Part 1.

You can pay a discounted amount of £60 (sixty pounds) is specified in Part 1.

If you choose to pay this penalty, no further action will be described at Part 1 of this penalty notice. The payment of guilt and will not result in a record of criminal conviction.

Payment may be made by completing Part 3A below and stated in that Part, or by completing Part 3A below and p local weights and measures authority]. Acceptable methods postal order or money order, or online at the following w payments].

Cheques, postal orders or money orders should be made measures authority].

If you choose to pay this penalty in cash by post, this mu posting must be retained. If you require a receipt for the one at the time of payment, and if paying by post, you m envelope.

PART 3A

PAYMENT OF FIXED PENALTY ISSUED TO THE CHILDREN AND FAMILIES (PURCHASE OF TOBACCO, NICOTINE PRODUCTS) BY PERSONS UNDER 18

This slip must accompany

To: [name and address of local weights and measures authority]

Penalty notice Number: _____

I enclose the amount of:
(tick one box)

- £60
- £90

Full name of alleged offender: _____

Address of alleged offender: _____

_____ Postcode: _____

PART 4

REQUESTING A COURT HEARING

If you choose to request a court hearing, you must within 14 days of the date of the penalty notice complete Part 4A and sending it to [name of local weights and measures authority] at the address specified in Part 1 of the penalty notice number (which can be found in Part 1 of the penalty notice). A court summons can be served on you. The summons will tell you the date and time of the hearing. The recipient of this penalty notice (the person named at the end of the penalty notice)

PART 4A
SECTION 91 OF THE CHILDREN ACT
(PURCHASE OF TOBACCO, NICOTINE
BEHALF OF PERSONS

REQUEST FOR ALLEGED OFFENCE
COURT OF L

To: [Name and address of local weights and measures a

Penalty notice Number:

I wish to be dealt with by a court of law for the alleged o

Full name of alleged offender: _____

Address of alleged offender: _____

_____ Postcode

Signature

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, made under Schedule 1 to the Health Act 2006, contain provisions which relate to offences under section 91(1) of the Children and Families Act 2014.

Regulation 2 provides that the Penalty Notice form in the Schedule to these Regulations can be used where an adult is alleged to have committed the offence of purchasing tobacco, cigarette papers or a relevant nicotine product on behalf of a person under the age of 18.