
STATUTORY INSTRUMENTS

1978 No. 1907

**Health and Personal Social Services
(Northern Ireland) Order 1978**

PART II

SALE OF TOBACCO, ETC. TO PERSONS APPARENTLY UNDER [F118]

Prohibition on sale of tobacco, etc. to persons apparently under [F118]

3.—(1) Subject to paragraph (2), a person who sells to a person^{F2} . . . under the age of [F318] any tobacco or cigarette papers, whether for his own use or not, shall be guilty of an offence.

[F2(1A) It shall be a defence for a person charged with an offence under paragraph (1) to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.]

Para.(2) rep. with saving by 1986 NI 24

(3) A person guilty of an offence under paragraph (1) shall be liable on summary conviction to a fine not exceeding [F2][F4]level 5] on the standard scale].

F1 Word in the heading of art. 3 substituted (1.9.2008) by [Children and Young Persons \(Sale of Tobacco etc.\) Regulations \(Northern Ireland\) 2008 \(S.R. 2008/306\)](#), regs. 1(2), **2(b)**

F2 [1991 NI 25](#)

F3 Word in art. 3(1) substituted (1.9.2008) by [Children and Young Persons \(Sale of Tobacco etc.\) Regulations \(Northern Ireland\) 2008 \(S.R. 2008/306\)](#), regs. 1(3), **2(b)**

F4 Words in art. 3(3) substituted (6.4.2016) by [Tobacco Retailers Act \(Northern Ireland\) 2014 \(c. 4\)](#), **ss. 18(2), 25(2)**; [S.R. 2016/101](#), art. 2(a), Sch. 1

Modifications etc. (not altering text)

C1 Art. 3(1): power to amend conferred (15.1.2007) by [The Smoking \(Northern Ireland\) Order 2006 \(S.I. 2006/2957 \(N.I. 20\)\)](#), arts. 1(3)(h), **14(a)** (with art. 16(1))

Changes to legislation:

There are currently no known outstanding effects for the Health and Personal Social Services (Northern Ireland) Order 1978, Section 3.