



Jersey

RESTRICTION ON SMOKING (AMENDMENT No. 3) (JERSEY) LAW 2013

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RESTRICTION ON SMOKING (AMENDMENT No. 3) (JERSEY) LAW 2013

A LAW to amend further the Restriction on Smoking (Jersey) Law 1973.

Adopted by the States

30th April 2013

Sanctioned by Order of Her Majesty in Council

13th June 2013

Registered by the Royal Court

21st June 2013

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

1 Interpretation

In this Law “principal Law” means the Restriction on Smoking (Jersey) Law 1973¹.

2 Article 1 amended

In Article 1 of the principal Law –

- (a) in paragraph (1)(b)(iii) the words “including the sale of tobacco to those persons by means of a vending machine” shall be deleted;
- (b) in paragraph (4)(c) the words “(including a premises in which tobacco is sold by means of a vending machine)” shall be deleted.

3 Article 1B substituted

For Article 1B of the principal Law there shall be substituted the following Article –

“1B Prohibition on sales of tobacco from vending machines

The States may by Regulations make provision for the sale of tobacco by means of a vending machine to be prohibited.”.

4 Article 1F amended

For Article 1F(4)(b) of the principal Law there shall be substituted the following sub-paragraph –

- “(b) Regulations made under Article 1B, an authorized officer may at all reasonable times –
- (i) enter premises (other than a dwelling) in respect of which the Regulations have effect,
 - (ii) make such examination and investigation as may, in the circumstances, be necessary,
 - (iii) take such photographs and make such recordings as the authorized officer considers necessary for the purposes of any examination or investigation,
 - (iv) require the licence holder or occupier of those premises, as the case may be, to produce any documents that are necessary for the purposes of any examination or investigation by the authorized officer,
 - (v) inspect and take copies of, or copies of any entry in, those documents,
 - (vi) where the authorized officer reasonably suspects that a provision of the Regulations is being, or has been contravened, require any person on those premises to state his or her name and address;”.

5 Article 2 amended

For Article 2 of the principal Law there shall be substituted the following Article –

“2 Offences, defences and penalties

- (1) Regulations under this Law may provide that a person who contravenes a specified provision of the Regulations shall be guilty of an offence and liable to either or both of the following –
 - (a) imprisonment for a length of time specified in the Regulations not exceeding 2 years;
 - (b) a fine (whether specified to be on the standard scale or otherwise).
- (2) Regulations under this Law may provide for a defence in proceedings for an offence under the Regulations either generally or in specified circumstances and for offences by a limited liability partnership, a separate limited partnership and a body corporate.”.

6 Citation and commencement

This Law may be cited as the Restriction on Smoking (Amendment No. 3) (Jersey) Law 2013 and will come into force on such day as the States may by Act appoint.

M.N. DE LA HAYE

Greffier of the States

¹

chapter 20.825