



Health Act 2009

2009 CHAPTER 21

PART 3

MISCELLANEOUS

Tobacco

22 Power to prohibit sales from vending machines

- (1) After section 3 of the Children and Young Persons (Protection from Tobacco) Act 1991 (c. 23) (sale of unpackaged cigarettes) insert—

“3A Sales from vending machines in England and Wales

- (1) The appropriate national authority may by regulations make provision prohibiting the sale of tobacco from an automatic machine in England and Wales.
- (2) The regulations must make provision as to the persons who are liable in the case of any breach of a prohibition.
- (3) Where a prohibition contained in the regulations is breached, any person liable in accordance with the regulations is guilty of an offence.
- (4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (5) Sections 13, 14 and 15 of the Tobacco Advertising and Promotion Act 2002 (enforcement etc.) apply for the purposes of this section and regulations made under it as they apply for the purposes of provisions of that Act.
- (6) The power of the appropriate national authority to make regulations under this section—
 - (a) is exercisable by statutory instrument,

Changes to legislation: Health Act 2009, Section 22 is up to date with all changes known to be in force on or before 11 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) may be exercised to make different provision for different cases or circumstances, and
 - (c) includes power to make supplementary, incidental, consequential or transitional provision.
- (7) A statutory instrument containing regulations made under this section may not be made—
- (a) by the Secretary of State unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament, and
 - (b) by the Welsh Ministers unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (8) In this section—
- “the appropriate national authority”—
 - (a) in relation to England, means the Secretary of State; and
 - (b) in relation to Wales, means the Welsh Ministers;
 - “tobacco” has the same meaning as in section 7 of the Children and Young Persons Act 1933.”
- (2) In section 12D(1) of the Children and Young Persons Act 1933 (c. 12) (restricted premises orders and restricted sales orders: interpretation)—
- (a) omit “or” at the end of paragraph (a);
 - (b) after paragraph (b) insert “, or
 - (c) an offence committed under section 3A of the Children and Young Persons (Protection from Tobacco) Act 1991 in respect of any machine kept on any premises (which are accordingly “the premises in relation to which the offence is committed”).”

Commencement Information

- I1** S. 22 partly in force; s. 22 in force for specified purposes at Royal Assent see s. 40(6)(b)
- I2** S. 22 in force at 1.10.2011 for E. in so far as not already in force by S.I. 2010/1068, art. 2(1)(a)
- I3** S. 22 in force at 1.2.2012 for W. in so far as not already in force by S.I. 2011/2362, art. 2

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 2(6)(ca) inserted by [2022 c. 31 Sch. 3 para. 57\(b\)](#)
- s. 2(6)(ea) inserted by [2022 c. 31 Sch. 3 para. 57\(c\)](#)

Commencement Orders yet to be applied to the Health Act 2009

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2011/1255 art. 2](#) amendment to earlier commencing [SI 2010/1068 art. 2](#)