



Children and Young Persons Act 1933

1933 CHAPTER 12 23 and 24 Geo 5

PART I

PREVENTION OF CRUELTY AND EXPOSURE TO MORAL AND PHYSICAL DANGER

[^{F1}Persistent sales of tobacco [^{F1}or nicotine products] to persons under 18

[^{F1}12A Restricted premises orders

- (1) This section applies where a person (“the offender”) is convicted of a tobacco [^{F2}or nicotine] offence (“the relevant offence”).
- (2) The person who brought the proceedings for the relevant offence may by complaint to a magistrates' court apply for a restricted premises order to be made in respect of the premises in relation to which that offence was committed (“the relevant premises”).
- (3) A restricted premises order is an order prohibiting the sale on the premises to which it relates of any tobacco [^{F3}, cigarette papers or nicotine product] to any person.
- (4) The prohibition applies to sales whether made—
 - (a) by the offender or any other person, or
 - (b) by means of any machine kept on the premises or any other means.
- (5) The order has effect for the period specified in the order, but that period may not exceed one year.
- (6) The applicant must, after making reasonable enquiries, give notice of the application to every person appearing to the applicant to be a person affected by it.
- (7) The court may make the order if (and only if) it is satisfied that—
 - (a) on at least 2 occasions within the period of 2 years ending with the date on which the relevant offence was committed, the offender has committed other tobacco [^{F4}or nicotine] offences in relation to the relevant premises, and
 - (b) the applicant has complied with subsection (6).

Changes to legislation: Children and Young Persons Act 1933, Section 12A is up to date with all changes known to be in force on or before 07 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

- (8) Persons affected by the application may make representations to the court as to why the order should not be made.
- (9) If—
- (a) a person affected by an application for a restricted premises order was not given notice under subsection (6), and
 - (b) consequently the person had no opportunity to make representations to the court as to why the order should not be made,
- the person may by complaint apply to the court for an order varying or discharging it.
- (10) On an application under subsection (9) the court may, after hearing—
- (a) that person, and
 - (b) the applicant for the restricted premises order,
- make such order varying or discharging the restricted premises order as it considers appropriate.
- (11) For the purposes of this section the persons affected by an application for a restricted premises order in respect of any premises are—
- (a) the occupier of the premises, and
 - (b) any other person who has an interest in the premises.]

Textual Amendments

- F1** Ss. 12A-12D and preceding cross-heading inserted (1.4.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), [ss. 143\(2\)](#), 153; S.I. 2009/860, [art. 2\(c\)](#)
- F2** Words in s. 12A(1) inserted (1.10.2014 for specified purposes, 1.10.2015 in so far as not already in force) by [Children and Families Act 2014 \(c. 6\)](#), [ss. 93\(3\)\(a\)](#), 139(6); S.I. 2014/2609, [art. 2](#); S.I. 2015/375, [art. 3](#)
- F3** Words in s. 12A(3) substituted (1.10.2014 for specified purposes, 1.10.2015 in so far as not already in force) by [Children and Families Act 2014 \(c. 6\)](#), [ss. 93\(3\)\(b\)](#), 139(6); S.I. 2014/2609, [art. 2](#); S.I. 2015/375, [art. 3](#)
- F4** Words in s. 12A(7)(a) inserted (1.10.2014 for specified purposes, 1.10.2015 in so far as not already in force) by [Children and Families Act 2014 \(c. 6\)](#), [ss. 93\(3\)\(c\)](#), 139(6); S.I. 2014/2609, [art. 2](#); S.I. 2015/375, [art. 3](#)

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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. 12D(1A)-(1F) inserted by [2017 anaw 2 s. 51](#)
- s. 39(2A) inserted by [2010 c. 26 Sch. 3 para. 3](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 3 Pt. 2 repealed (4.9.2013) without ever being in force by [2013 c. 22](#), s. 17(4) ; S.I. 2013/2200 art. 2(a))
- s. 49(12)-(14) inserted by [1999 c. 23 Sch. 2 para. 3\(9\)](#)