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Island of



Alderney

Ordinance of the States

VI
2004

Made 21st April 2004

Coming into operation 22nd April 2004

THE SALE OF TOBACCO (ALDERNEY) ORDINANCE, 2004

THE STATES OF ALDERNEY, in exercise of the powers conferred upon them by section 46 of The Government of (Alderney) Law, 1987(1) and all other powers enabling them, hereby order:-

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| <p>1. A proprietor of a business shall not sell, offer or supply, or cause or permit to be sold, offered or supplied, to a minor, tobacco products, whether it is for his own use, or not.</p> | <p>Sale of Tobacco Products to Minors.</p> |
| <p>2. (1) No person shall purchase tobacco products for a minor.</p> <p>(2) A minor shall not purchase, or attempt to purchase tobacco products, whether it is for his own use, or not.</p> | <p>Purchase of Tobacco and Tobacco Products.</p> |
| <p>3. (1) Every proprietor of a business must exhibit in a prominent place, next to and clearly visible at the point of sale of tobacco products, a notice displaying the following statement -</p> | <p>Requirement to exhibit notice at point of sale and on vending machines.</p> |

(1) Order in Council No. IV of 1987.

"It is illegal to sell tobacco products to anyone under the age of 18. It is illegal to purchase tobacco products if they are for anyone under the age of 18 or if you are under 18."

(2) Every proprietor of a business must exhibit on every automatic machine for the sale of tobacco which is kept available for use as such at any premises, a notice displaying the following statement -

"It is illegal to sell tobacco products to anyone under the age of 18. It is illegal to purchase tobacco products if they are for anyone under the age of 18 or if you are under 18."

and that notice must be exhibited in such a way that the statement is readily visible to persons using the machine.

Offences.

4. (1) A person who contravenes section 1 of this Ordinance is guilty of an offence and liable, on conviction, to a fine not exceeding level 3 on the Alderney uniform scale.

(2) A person who contravenes section 2(1) of this Ordinance is guilty of an offence and liable, on conviction, to a fine not exceeding level 3 on the Alderney uniform scale.

(3) A person who contravenes section 2(2) of this Ordinance is guilty of an offence and liable, on conviction, to a fine not exceeding level 1 on the Alderney uniform scale.

(4) A person who contravenes section 3 of this Ordinance is guilty of an offence and liable, on conviction, to a fine not exceeding level 2 on the Alderney uniform scale.

(5) It shall be a defence for a person charged with an offence under subsections (1) and/or (2) above to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(6) Where any such offence is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar

officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(7) Where the affairs of body corporate are managed by its members, subsection (6) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

5. (1) In this Ordinance -

Interpretation.

“**business**” means a business involving the sale of tobacco by retail at any premises;

“**cigarettes**” includes cut tobacco rolled up in paper, tobacco leaf, or other material in such form as to be capable of immediate use for smoking;

“**minor**” means a person under the age of eighteen years;

“**premises**” includes any place and any vehicle, vessel, aircraft, hovercraft, stall or moveable structure;

“**proprietor**” means any person who carries on, or is the owner of, a business;

“**tobacco products**” means cigarettes, cigarette paper, cigars or tobacco and includes any product containing tobacco and intended for oral or nasal use and smoking mixtures intended as a substitute for tobacco.

(2) The Interpretation (Guernsey) Law, 1948(2) applies to the interpretation of this Ordinance as it applies to the interpretation of a Guernsey enactment.

(3) Any reference in this Ordinance to an enactment shall, except where the context otherwise requires, include a reference thereto as amended, repealed and replaced (with or without modifications), extended or applied.

Citation. 6. This Ordinance may be cited as the Sale of Tobacco (Amendment) (Alderney) Ordinance, 2004.

Commencement. 7. This Ordinance shall come into force on the 22 April 2004.

D.V. JENKINS
Clerk of the States