

Smoking and the law

Cut out before the lesson and mix up for pupils to match up.

Law

Health Act 2006 Smokefree (Premises and enforcement) Regulation

A person who smokes in an 'enclosed' or 'substantially enclosed' public place is committing an offence.

Scenario

A person lights up in a coffee shop in a shopping mall.

Consequence

Any person who smokes in an 'enclosed' or 'substantially enclosed' public place can receive a £50 fixed penalty notice. Those in charge of the premises could face a fine of up to £2,500 for failing to stop them.

Law

Smoking in Cars and Other Vehicles 2015

It is illegal to smoke in a private vehicle that is carrying someone under 18, or for the driver not to stop a passenger lighting up.

Scenario

A mother lights a cigarette on the school run with her 15 year old son in the passenger seat.

Consequence

The fixed penalty notice fine for both offences is £50. Somebody who commits both offences can get two fines. Private vehicles must be carrying more than one person to be smokefree, so somebody who is 17 and smoking alone in a private vehicle isn't committing an offence. Police will use their discretion to decide whether to issue a warning or a fixed penalty notice, or whether to refer an offence to court.

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<p>Law</p> <p>Persons Act 1933 Section 7</p> <p>Any person who sells tobacco or cigarette papers to a person under the age of 18, whether for the buyer's own use or not, shall be guilty of an offence.</p>	<p>Scenario</p> <p>A shopkeeper sells a packet of cigarettes to a 15 year old.</p>	<p>Consequence</p> <p>A business selling cigarettes to a person under the age of 18 years commits a criminal offence for which they can be fined up to £2,500.</p>
<p>Law</p> <p>Children and Young Persons Act 1933 Section 7</p> <p>Any person who sells tobacco or cigarette papers to a person under the age of 18, whether for the buyer's own use or not, shall be guilty of an offence.</p>	<p>Scenario</p> <p>A shopkeeper sells a packet of cigarettes to a 17 year old who says they are simply purchasing them for their dad.</p>	<p>Consequence</p> <p>A business selling cigarettes to a person under the age of 18 years commits a criminal offence for which they can be fined up to £2,500.</p>
<p>Law</p> <p>Fraud Act 2006 Section 6</p> <p>A person is guilty of an offence if he has, in his possession or under his control, any article for use in the course of, or in connection with, any fraud.</p>	<p>Scenario</p> <p>A young person under 18 years old uses a fake ID to purchase tobacco from the local shop.</p>	<p>Consequence</p> <p>Imprisonment for up to five years.</p>

Smoking and the law – resource – October 2024

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<p>Law</p> <p>Children and Families Act 2014</p> <p>It is against the law for a person under the age of 18 years to be sold a product containing nicotine.</p>	<p>Scenario</p> <p>A 17 year old goes to a vape store and is sold an electronic cigarette containing nicotine.</p>	<p>Consequence</p> <p>A business selling nicotine containing products to a person under the age of 18 years commits a criminal offence for which they can be fined up to £2,500.</p>
<p>Law</p> <p>Trade Marks Act 1994 Section 92</p> <p>A person commits an offence who, with a view to gain for himself or another, or with intent to cause loss to another, and without consent of the proprietor, applies to goods or their packaging a sign identical to, or likely to be mistaken for, a registered trademark.</p>	<p>Scenario</p> <p>A shopkeeper sells counterfeit cigarettes that he has purchased 'on the cheap' from a man in a van.</p>	<p>Consequence</p> <p>The shopkeeper commits an offence under the Trade Marks Act for which the maximum penalty is 10 years in jail.</p>
<p>Law</p> <p>Health Act 2009 Advertising and Point of Sale Display</p> <p>It is illegal to display tobacco products at the point of sale in all shops.</p>	<p>Scenario</p> <p>A supermarket has the range of cigarettes they display in plain view, all day, behind the checkout.</p>	<p>Consequence</p> <p>If the retailer displays the cigarettes (other than at the time of sale or for re-stocking purposes) they can be convicted in a magistrates court and fined up to £5,000, imprisoned for up to two years, or both.</p>

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<p>Law</p> <p>No law.</p>	<p>Scenario</p> <p>A shopkeeper employs his 16 year old son to sell cigarettes in his shop at the weekends.</p>	<p>Consequence</p> <p>There is no offence under these circumstances but the 16 year old needs to be trained to challenge purchasers for ID if they look under 18 years of age.</p>
<p>Law</p> <p>Children and Families Act 2014</p> <p>A person aged 18 or over, who buys or attempts to buy tobacco or cigarette papers on behalf of an individual aged under 18, commits an offence.</p>	<p>Scenario</p> <p>A mother buys her 16 year old son cigarettes.</p>	<p>Consequence</p> <p>The parent is committing a criminal offence for which they can be fined up to £2,500.</p>