



**Isle of Man**

*Ellan Vannin*

**AT 14 of 2015**

**PUBLIC HEALTH (TOBACCO)  
(AMENDMENT) ACT 2015**





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## PUBLIC HEALTH (TOBACCO) (AMENDMENT) ACT 2015

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## **PUBLIC HEALTH (TOBACCO) (AMENDMENT) ACT 2015**

*Signed in Tynwald:* 20 October 2015  
*Received Royal Assent:* 20 October 2015  
*Announced to Tynwald:* 20 October 2015

**AN ACT** to amend the Public Health (Tobacco) Act 2006.

**BE IT ENACTED** by the Queen's Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows:—

### **PART 1 – INTRODUCTORY**

#### **1 Short title**

The short title of this Act is the Public Health (Tobacco) (Amendment) Act 2015.

#### **2 Commencement**

- (1) This Act (other than this section and section 1) comes into operation on such day or days as the Department of Health and Social Care by order appoints and different days may be appointed for different provisions and for different purposes.
- (2) An order under subsection (1) may make such consequential, incidental, transitional and saving provisions as the Department of Health and Social Care considers necessary or expedient.<sup>1</sup>

#### **3 Expiry**

- (1) This Act expires —
  - (a) on the day after its promulgation if all of its provisions are in operation on its promulgation; or
  - (b) otherwise, on the day after the last provision is brought into operation.<sup>2</sup>

- (2) The expiry does not —
  - (a) revive the *Public Health (Tobacco) Act 2006* as it operated before the amendments made by this Act commenced;
  - (b) revive anything not in operation or existing when those amendments commenced; or
  - (c) affect the continuing operation of the amendments.

#### **4 Amendment of the Public Health (Tobacco) Act 2006**

The *Public Health (Tobacco) Act 2006* is amended in accordance with sections 5 to 25.

#### **5 Part 1 heading substituted – control of tobacco advertising**

[Substituted Part 1 heading and inserted Division 1 heading]

#### **6 Section 1 amended – prohibition of tobacco advertising**

SI 2006/2369 reg2(2)

[Substituted subsection (4) and repealed subsection (5)]

#### **7 New section 2A – advertising: information society services**

SI 2006/2369 reg3

[Inserted section 2A]

#### **8 Section 3 amended and Schedule inserted – advertising and information society services**

SI 2006/2369 reg4(2)-(7)

- (1) Section 3 is amended in accordance with subsections (2) to (5).
- (2) [Amended subsection (1)]
- (3) [Inserted subsections (1A) and (1B)]
- (4) [Amended subsection (3)(a)]
- (5) [Inserted subsection (5)]
- (6) [Accordingly, inserted the Schedule set out in the Schedule to this Act]

#### **9 Section 4 amended – advertising: defences**

SI 2006/2369 reg5(2)-(6)

- (1) Section 4 is amended as follows.
- (2) [Amended subsection (1)]
- (3) [Substituted subsection (3)]
- (4) [Inserted subsection (3A)]

(5) [Amended subsection (5)]

(6) [Inserted subsection (5A)]

**10 New sections 4A to 4D – prohibition of tobacco displays etc.**

P2009/21/21

[Inserted sections 4A to 4D]

**11 Section 5 repealed – displays**

[Repealed section 5]

**12 Section 6 amended – prohibition of free distributions**

P2009/21/Sch4 para5(2)&(3)

(1) Section 6 is amended as follows.

(2) [Inserted subsection (1A)]

(3) [Inserted subsection (5A)]

**13 Section 8 amended – brandsharing**

P2009/21/Sch4 para6

(1) Section 8 is amended as follows.

(2) [Amended subsection (3)]

(3) [Inserted subsections (5) and (6)]

**14 New section 8A inserted – prohibition of the sale of tobacco from automatic machines**

[Inserted new Division 2 heading, new section 8A and new Division 3 heading]

**15 Section 10 amended – powers of entry, etc**

(1) Section 10 is amended as follows

(2) [Amended subsection (1)]

(3) [Amended subsection (4)].

**16 New Division created – general**

[Inserted new Division 4 heading]

**17 Section 12 amended – defences: burden of proof**

P2009/21/Sch4 para10

[Amended section 12(1)]

**18 Section 13 amended and consequential amendments – Part 1: interpretation**

SI 2006/2369 reg8

- (1) Section 13 is amended in accordance with subsections (2) and (3).
- (2) [Amended subsection (1)]
- (3) [Inserted subsection (1A)]
- (4) [Consequent on subsection (2)(a), in sections 10 and 11 for “authorised officer” (wherever occurring) substituted ~~an~~ enforcement officer ~~is~~]

**19 Section 18 amended – powers to enter and require identification**

[Inserted subsection (1A)]

**20 New sections 20A and 20B – fixed penalties for offences under Part 2**

[Inserted section 20A and 20B]

**21 Section 21 repealed and consequential amendments – penalties**

- (1) [Repealed section 21 and the penalties in that section relocated in accordance with the following provisions of this section]
- (2) [Inserted section 11(4)]
- (3) [Inserted section 12A]
- (4) [Inserted new section 20C]

**22 Section 22 amended – offences by bodies corporate, etc**

[Inserted section 22(2A)]

**23 New section 22A – order making power to amend Act**

[Inserted section 22A]

**24 Section 23 substituted – public documents**

[Substituted section 23]

**25 Section 25 substituted and consequential amendments – interpretation**

- (1) [Substitute section 25]
- (2) In consequence of the substitution made by subsection (1) —
  - (a) [Amended section 3(3)]
  - (b) [Amended section 5(1)]
  - (c) [Amended section 6]



- (d) [Amended section 8]
- (e) [Amended section 9];
- (f) [Amended section 10(8) and (9)]
- (g) [Amended section 15(3)]
- (h) [Amended section 17]
- (i) [Amended section 18]
- (j) [Amended section 20]
- (k) [Amended section 24]

## **26 Children and Young Persons Act 1966 amended**

- (1) The *Children and Young Persons Act 1966* is amended as follows.
- (2) [Repealed section 6(2)]
- (3) In section 6B —
  - (a) [Repealed subsections (3) and (4)]
  - (b) [Amended subsection (5)]
  - (c) [Amended subsection (6)]
- (4) [Amended section 6D(1)]
- (5) [Repealed section 110]



**SCHEDULE**

[Inserted new Schedule to *Public Health (Tobacco) Act 2006*]

**ENDNOTES****Table of Endnote References**

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<sup>1</sup> ADO – 31/10/2015 for the purposes of making subordinate legislation; 09/03/2016 for the purposes of sections 20, 21, 22, 24 and 25 and 01/07/2016 for all other purposes.

<sup>2</sup> Act promulgated 05/07/2016.