
PROTECTION OF HEALTH (CONTROL OF SMOKING) (AMENDMENT)
ORDINANCE 2007

An Ordinance to amend the Protection of Health (Control of Smoking) Ordinance 1981

P. D. DRAYCOTT
DEPUTY ADMINISTRATOR

17th August 2007.

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:—

1. Short title

This Ordinance may be cited as the Protection of Health (Control of Smoking) (Amendment) Ordinance 2007.

2. Interpretation

In this Ordinance—

“the principal Ordinance” means the Protection of Health (Control of Smoking) Ordinance 1981(a).

3. Section 2 of principal Ordinance amended

Section 2 of the principal Ordinance is amended by inserting the following definitions in the appropriate alphabetical place –

““entitled person” means –

- (a) a member of the Force as defined in paragraph 1(a)(i) of Section 1 of Annex C of the Treaty of Establishment;
- (b) a member of a civilian component of such a Force as defined in paragraph 1(b) of Section 1 of Annex C of the Treaty of Establishment;
- (c) a person enjoying, the rights and facilities of members of Her Majesty’s Forces by virtue of paragraph 3 of section 9 of Part II of Annex B of the Treaty of Establishment.
- (d) a dependent of a person falling within (a) or (b) as defined in paragraph 1(d) of Section 1 of Annex C;

“Forces shop” means a shop which is operated, maintained or carried on with the approval or consent of the Force of the United Kingdom for the purposes of the exclusive use of it by any entitled person.”.

4. Principal Ordinance amended by inserting new section 3A

The principal Ordinance is amended by inserting immediately after section 3 the following new section –

“3A. Prohibition against supply of tobacco to child by Forces shop

- (1) Notwithstanding section 10, it is an offence for a Forces shop or any person employed by a Forces shop to supply tobacco to a child in the course of that employment.
- (2) Any person found guilty of an offence under this section is liable –
 - (a) on a first conviction, to a fine of £500;
 - (b) on a subsequent conviction, to a fine of £750.
- (3) In addition to the imposition of a fine in accordance with subsection (2), the Resident Judge’s Court may, where a person is convicted on a fourth occasion, order the cancellation of any licence to sell tobacco in the name of the convicted person and may in addition order that such person may not apply for a further licence for a period not exceeding 5 years from the date of the cancellation of his licence.
- (4) For the purposes of this section, child means a person under the age of 17.”.

5. Commencement

This Ordinance comes into force on the day it is published in the Gazette.

(SBA/AG/2/EN/147)

EXPLANATORY NOTE

(This note is not part of the Ordinance)

Introduction

1. These explanatory notes relate to the Protection of Health (Control of Smoking)(Amendment) Ordinance 2007. They have been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Ordinance. They do not form part of the Ordinance.

2. The notes should be read in conjunction with the Ordinance. They are not, and are not meant to be, a comprehensive description of the Ordinance. So when a section or part of a section does not seem to require any explanation or comment, none is given.

Particular points

3. The Ordinance inserts a new offence relating to the supply of tobacco to a child by a Forces shop. The definition of a child in this section is different to the remainder of the Ordinance in that a child is a person under the age of 17 rather than 18. This is to reflect the fact that only entitled persons are eligible to use a Forces shop. It puts such persons in the same position, in terms of the age limit for the purchase of tobacco, as they would be if they were in the United Kingdom. The penalty for the new offence is the same as for the general offence of supplying tobacco namely a fine of £500 for a first conviction and £750 for a subsequent conviction.

