



STATUTORY INSTRUMENTS.

S.I. No. 42 of 2009



PUBLIC HEALTH (TOBACCO) (SELF SERVICE VENDING
MACHINES) REGULATIONS 2009

(Prn. A9/0191)

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PUBLIC HEALTH (TOBACCO) (SELF SERVICE VENDING MACHINES) REGULATIONS 2009

I, MARY WALLACE, Minister of State at the Department of Health and Children in exercise of the powers conferred on me by section 43(2) (inserted by section 14 of the Public Health (Tobacco) (Amendment) Act 2004 (No. 6 of 2004)) of the Public Health (Tobacco) Act 2002 (No. 6 of 2002), and the Health and Children (Delegation of Ministerial Functions) (No. 4) Order 2008 (S.I. No. 482 of 2008) hereby make the following regulations:

1. These Regulations may be cited as the Public Health (Tobacco) (Self Service Vending Machines) Regulations 2009.

2. These Regulations come into operation on 1 July 2009.

3. In these Regulations—

“Act of 2002” means the Public Health (Tobacco) Act 2002 (No. 6 of 2002),

“Act of 2004” means the Public Health (Tobacco) (Amendment) Act 2004 (No. 6 of 2004),

“member of staff” means a member of the staff employed on the licensed premises or the premises of the registered club concerned.

4. (1) The holder of a licence for the sale of alcohol by retail is specified for the purposes of section 43(2) (inserted by section 14 of Act of 2004) of the Act of 2002 in relation to the premises the subject matter of the licence.

(2) A person entered in the register of clubs as an official of the committee of management or governing body of a registered club is specified for the purposes of section 43(2) (inserted by section 14 of the Act of 2004) of the Act of 2002.

(3) The owner or supplier of a self service vending machine to a licensed premises or the premises of a registered club is specified for the purposes of section 43(2) (inserted by section 14 of the Act of 2004) of the Act of 2002.

(4) A person specified under paragraph (1), (2) or (3) shall be a person registered under section 37 (inserted by section 8 of the Act of 2004) of the Act of 2002.

5. (1) A self service vending machine situated on a licensed premises or the premises of a registered club shall be—

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 13th February, 2009.

- (a) located adjacent or in close proximity to that part of the licensed premises or the premises of the registered club which is generally attended by a member of staff,
- (b) within the line of sight of a member of staff at all times, and
- (c) activated by means of a disc or card obtained from a member of staff or by a device controlled by such staff.

(2) A member of staff of a licensed premises or the premises of a registered club shall not provide a disc or card for the activation of a self service vending machine or activate a self service vending machine by a device unless satisfied that the proposed purchaser has attained the age of 18 years.

6. The purchase of a tobacco product to be sold by means of a self service vending machine shall be made by the depositing of the money in such machine, activated in accordance with Regulation 5(c), in respect of the purchase of the tobacco product concerned.

GIVEN under my hand,
6 February 2009

MARY WALLACE,
Minister of State at the Department of Health and Children.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations may be cited as the Public Health (Tobacco) (Self Service Vending Machines) Regulations 2009.

With effect from 1 July 2009 section 43(2) (inserted by section 14 of the Public Health (Tobacco) (Amendment) Act 2004 (No. 6 of 2004)) of the Public Health (Tobacco) Act 2002 (No. 6 of 2002) provides for regulations to be made in relation to the sale by retail of tobacco products by means of a self service vending machine on licensed premises or the premises of a registered club.

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