

Q&A — information for enquiries on Vending Machine restrictions

Q. Has vending been completely banned?

A. No. From 1st October 2011, the law will change to make it illegal to sell tobacco products directly to the public from vending machines in England.

Q. What about vending machines in Scotland, Wales and Northern Ireland?

A. Final regulations have not yet been produced in Wales or Northern Ireland so it will be possible to trade as normal after 1st October subject to current law. In Scotland the proposed ban is still subject to legal challenges. It will still be possible to trade as normal subject to current law after 1st October. Further advice on the impact in these countries will be available in due course.

Q. Who will be responsible for ensuring that the law is upheld

A. Local Trading Standards officers. Final guidelines have been confirmed by the Local Government Regulatory Support Unit and the Department of Health to explain the requirements of the new law.

Q. So what does the new law say?

A. From 1st October 2011 it will be illegal to sell cigarettes (or any other tobacco product) from an automatic vending machine in England to any person - *regardless* of age.

Q. Are there any other changes?

A. After 1st October 2011, it will also be against the law to display advertisements or pictures of tobacco products on vending machines. The exemption allowing advertisements on machines will no longer apply

Q. So is Imperial producing black and white decals to replace existing pictorial ones?

A. Yes, a quantity of new b/w decals have been ordered. If you have not received new decals by the end of September, please reverse the existing decal and note the brand name on the back. Replacements will be sent to you as soon as possible

Q. We've been advised that JTI and BAT are ceasing production of vending packs. Is Imperial going to continue supplying vending packs?

A. This is under consideration at present. Vend packs remain available for the time being. Philip Morris have advised us that they will not be producing further vending packs but they remain available while stock lasts.

Q Who is responsible for compliance with the law?

A. The owner or manager of the premises where a vending machine is located. Both the owner of the vending machine and the owners and managers of the premises on which vending machines are located, will be responsible for ensuring that there are no advertisements of tobacco products on vending machines.

Q. What should I do with my vending machine?

A. The legislation does not ban vending machines themselves. If agreed with the proprietor of the premises, the vending machine can be sited behind the bar, *provided that* the machine is positioned where the owner or manager of the premises can guarantee that it is impossible for any member of the public to use the machine. Machines can also be relocated away from the serving area (e.g. in back-office or elsewhere on the premises but not accessible to the public).

Q. Can bar staff still use a vending machine to dispense cigarettes to a customer?

A Yes, as long as the customer is over 18 years old. The under-18s sign must also be on clear display.

Q. Can cigarettes and tobacco be sold directly from a counter-display

A. Yes. Counter displays are legal but no tobacco advertising is permitted. Customers may be advised that tobacco is on sale at the premises. Outlets over 3,000sq.ft. will be subject to new Display Law from 1/4/2012

Q. What happens if the law is broken?

A. There are fines for non-compliance with the vending legislation (up to max. £2,500) and tobacco advertising laws (up to max £5,000). Please make sure that you comply with the law as it applies to you.

Q. Who can I ask if I need further advice?

A. Regulatory officers (local Trading Standards officers) will be able to provide advice about the introduction of this law. Every effort will be made to ensure that businesses across England are treated fairly and in a consistent manner.