
STATUTORY INSTRUMENTS

2015 No. 939

PUBLIC HEALTH

The Smoke-free (Vehicle Operators and Penalty Notices) (Amendment) Regulations 2015

<i>Made</i>	- - - -	<i>26th March 2015</i>
<i>Laid before Parliament</i>		<i>27th March 2015</i>
<i>Coming into force</i>	- -	<i>1st October 2015</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 8(3) of, and paragraph 4 of Schedule 1 to, the Health Act 2006⁽¹⁾.

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Smoke-free (Vehicle Operators and Penalty Notices) (Amendment) Regulations 2015 and they come into force on 1st October 2015.

(2) These Regulations apply in relation to England.

(3) In these Regulations “the 2007 Regulations” means the Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007⁽²⁾.

Amendment of the 2007 Regulations

2. The 2007 Regulations are amended as follows.

Failing to prevent smoking in smoke-free private vehicles

3. For regulation 2 of the 2007 Regulations substitute the following—

“2.—(1) The persons set out in paragraphs (2) and (3) of this regulation are under a duty corresponding to that in section 8(1) of the Act to cause any person who is smoking in a smoke-free vehicle to stop smoking.

(2) In respect of a vehicle that is smoke-free by virtue of regulation 11(1) of the Smoke-free (Exemptions and Vehicles) Regulations 2007⁽³⁾—

(a) a driver;

(1) [2006 c.28](#). As to the meaning of “the appropriate national authority” see section 82(1) of the Health Act 2006.
(2) [S.I. 2007/760](#).
(3) [S.I. 2007/765](#).

- (b) any person with management responsibilities for the vehicle; and
 - (c) any person on a vehicle who is responsible for order or safety on it.
- (3) In respect of a vehicle that is smoke-free by virtue of regulation 11(1A) of the Smoke-free (Exemptions and Vehicles) Regulations 2007, the driver.”

Form of fixed penalty notice

4.—(1) In regulation 3(2) of the 2007 Regulations, for “the offence of smoking in a smoke-free place under section 7 of the Act.” substitute—

- “(a) “(a) the offence of smoking in a smoke-free place under section 7 of the Act; and
- (b) the offence of failing to prevent smoking in a vehicle under section 8 of the Act, where the vehicle is smoke-free by virtue of regulation 11(1A) of the Smoke-free (Exemptions and Vehicles) Regulations 2007.”

(2) For the penalty notice form 2 in Schedule 2 to the 2007 Regulations, substitute the penalty notice form 2 in the Schedule to these Regulations.

Signed by authority of the Secretary of State for Health.

26th March 2015

Jane Ellison
Parliamentary Under-Secretary of State,
Department of Health

SCHEDULE

Regulation 4(2)

Form 2 – Smoking in a smoke-free vehicle / Failing to prevent smoking in a smoke-free private vehicle

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**[NAME OF ENFORCEMENT
[ADDRESS OF ENFORCEMENT
HEALTH ACT
SECTION 7 (OFFENCE OF SMOKING
PLACE)]**

**SECTION 8 (OFFENCE OF FAILING TO
IN A SMOKE-FREE PLACE: PART 1)**

FIXED PENALTY

PENALTY AMOUNT

PART 1

RECIPIENT CODE

Penalty notice number:

Full name of alleged offender:

Address of alleged offender:

I, _____
[of enforcement authority] under section 10 of the Health
committed an offence under (tick one box)

- Section 7 of the Health Act 2006 (smoking in a smoke
- Section 8 of the Health Act 2006 (failing to prevent
vehicle**(b)**)

within premises, a place or vehicle in relation to which
enforcement responsibilities.

The circumstances alleged to constitute the offence are that

_____ (time) on _____

you, at/on the following premises, place or vehicle (with
address, if any):

being premises, a place or vehicle to which the provision

This notice offers you the opportunity of discharging a liability by payment of a fixed penalty of £50 (fifty pounds). No later than before the expiration of 29 days beginning with _____ [the date on which this notice is given]. You will not be liable to pay the fixed penalty within that period. In this Form this period is referred to as the 29 day period.

You can pay a discounted amount of £30 (thirty pounds) if you pay before the expiration of 15 days beginning with _____ [the date on which this notice is given]. If the 15th day is not a working day, the period is extended to the 15th working day. "Working day" means any day which is not Saturday, Sunday or a day which is a bank holiday in England and Wales under the Banking Act 1971. In this Form this period is referred to as the 15 day period.

Information for the immediate attention of the person who is liable to pay the fixed penalty is set out in Part 2 of this notice. Details about how to pay this fixed penalty are set out in Part 3. Details about how to request a court hearing in relation to this notice are set out in Part 4. If you have any questions, or if you wish to discuss the notice, you should contact the enforcement authority and address of enforcement authority and contact details are set out in Part 5.

Signature of authorised officer

PART 2

INFORMATION FOR THE IMMEDIATE ATTENTION OF THE PERSON WHO IS LIABLE TO PAY THE FIXED PENALTY

PART 3 PAYING THE PENALTY

The amount of the fixed penalty is £50 (fifty pounds), which is specified in Part 1.

You can pay a discounted amount of £30 (thirty pounds) which is specified in Part 1. If you choose to pay this in respect of the alleged offence described as Part 1 of the penalty involves no admission of guilt and will not result in a conviction made against you. Payment may be made by completing the payment to the address stated in that Part, or by completing the payment to [name and address of enforcement authority].

Acceptable methods of payment include cash, cheque, or by using the following web address [address for making online payments]. Money orders should be made payable to [name of enforcement authority]. If this penalty is paid in cash by post, this must be sent by registered post and retained. If you require a receipt for this payment of the penalty, and if paying by post, you must provide a receipt.

**WARNING: LATE PAYMENT WILL NOT BE ACCEPTED.
REMINDER.**

PART 3A

PAYMENT OF FIXED PENALTY ISSUED OF THE HEALTH ACT 2006

(OFFENCE OF SMOKING IN A SMOKE-FREE OFFENCE FAILING TO PREVENT SMOKING IN A PRIVATE VEHICLE)

This slip must accompany

To: [Name and address of enforcement authority where payment is made]

Penalty notice Number:

I enclose the amount of:

(tick one box)

£30 (if the payment is made within the 15 day period specified)

£50 (if the payment is made within the 29 day period specified)

Full name of alleged offender: _____

Address of alleged offender: _____

PART 4

REQUESTING A COURT HEARING

If you choose to request a court hearing, you must with Part 4A and sending it to [name of enforcement authority] at the address state in Part 4A, giving your address (which can be found in Part 1 of this notice) and an address at which you can be contacted. The summons will tell you when and where to attend court. The person named at Part 1) may request a court hearing.

PART 4A

HEALTH ACT

(OFFENCE OF SMOKING IN A SMOKE-FREE VEHICLE OR OFFENCE UNDER SECTION 7 OR OFFENCE OF FAILING TO STOP A SMOKE-FREE PRIVATE VEHICLE FROM BEING USED FOR AN OFFENCE) REQUEST FOR ALLEGED OFFENCE TO BE DEALT WITH BY A COURT OF LAW

To: [Name and address of enforcement authority]

Penalty notice number: _____

I wish to be dealt with by a court of law for the alleged offence.

Full name of alleged offender: _____

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, made under Chapter 1 of Part 1 of, and Schedule 1 to, the Health Act 2006 contain provisions which relate to smoke-free places (premises and vehicles) in England. They amend the Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (“the 2007 Regulations”).

Regulation 2 of these Regulations amends regulation 2 of the 2007 Regulations so as to provide that the driver of a private vehicle that is smoke-free is under a duty to cause persons to stop smoking in that vehicle.

Regulation 3 replaces the Penalty Notice form in Schedule 2 to the 2007 Regulations with the Penalty Notice form in the Schedule to these Regulations which means that the form can be used for the offence of failing to prevent smoking in a smoke-free private vehicle under section 8 of the Health Act 2006, as well as the offence of smoking in a smoke-free place under section 7 of that Act.