
STATUTORY RULES OF NORTHERN IRELAND

2007 No. 94

**The Smoke-free (Premises, Vehicle Operators and
Penalty Notices) Regulations (Northern Ireland) 2007**

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Smoke-free (Premises, Vehicle Operators and Penalty Notices) Regulations (Northern Ireland) 2007 and shall come into operation on 30th April 2007.

(2) In these Regulations—

“the Order” means the Smoking (Northern Ireland) Order 2006;

“smoke-free vehicle” means a vehicle which is smoke-free by virtue of Article 6 of the Order.

Enclosed and substantially enclosed premises

2.—(1) For the purposes of Article 3 of the Order, premises are enclosed if they—

(a) have a ceiling or roof; and

(b) except for doors, windows and passageways, are wholly enclosed either permanently or temporarily.

(2) For the purposes of Article 3 of the Order, premises are substantially enclosed if they have a ceiling or roof but there is—

(a) an opening in the walls, or

(b) an aggregate area of openings in the walls,

which is less than half of the area of the walls, including other structures that serve the purpose of walls and constitute the perimeter of the premises.

(3) In determining the area of an opening or an aggregate area of openings for the purposes of paragraph (2), no account is to be taken of openings in which there are doors, windows or other fittings that can be opened or shut.

(4) In this regulation “roof” includes any fixed or moveable structure or device which is capable of covering all or part of the premises as a roof, including for example, a canvas awning.

Failing to prevent smoking in smoke-free vehicles

3. The following persons are under a duty corresponding to that in Article 9(1) of the Order to cause any person who is smoking in a smoke-free vehicle to stop smoking—

(a) the driver;

(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.

Form of fixed penalty notice

4.—(1) The penalty notice form set out in Schedule 1 to these Regulations is specified in relation to the offence of failing to display a no-smoking sign in accordance with requirements made by or under Article 7 of the Order.

(2) The penalty notice form set out in Schedule 2 to these Regulations is specified in relation to the offence of smoking in a smoke-free place under Article 8 of the Order.

(3) Where either of those forms refers to the amount of a fixed penalty or a discounted amount or to a level on the standard scale which is changed, the form shall have effect subject to the change.

(4) Nothing in this regulation or in Schedule 1 or 2 to these Regulations shall prevent a district council from—

- (a) using a notice in size or design which differs from a specified form, provided that the content of the notice is not changed from that specified in the form (except as permitted by sub-paragraphs (b) to (d));
- (b) including information or illustrations in a notice to assist a person to whom it is given (for example, information or illustrations on how payments can be made);
- (c) including information in a notice to assist a district council in the performance of its functions under Article 11(1) of the Order (Enforcement by district councils) (for example, information to assist in its administrative procedures or data processing); or
- (d) including coats of arms or logos in a notice.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 16th February 2007.

L.S.

Andrew Elliott
A senior officer of the
Department of Health, Social Services and
Public Safety