

<sup>F1</sup>**SCHEDULE 2**

Regulation 4(2)

**F1** Sch. 2 Form 2 substituted (1.2.2022) by The Smoke-free (Premises, Vehicle Operators and Penalty Notices) (Amendment) Regulations (Northern Ireland) 2021 (S.R. 2021/332), regs. 1(1), **4(3)(b)**

**Commencement Information**

**II** Sch. 2 in operation at 30.4.2007, see **reg. 1(1)**

**FORM 2**

**SMOKING IN A SMOKE-FREE PLACE / FAILING TO PREVENT SMOKING IN A  
SMOKE-FREE PRIVATE VEHICLE**

*[NAME OF DISTRICT COUNCIL/ENFORCEMENT AUTHORITY]  
[ADDRESS OF DISTRICT COUNCIL/ENFORCEMENT AUTHORITY]*

**THE SMOKING (NORTHERN IRELAND) ORDER 2006:  
ARTICLE 8 (OFFENCE OF SMOKING IN A SMOKE-FREE PLACE) AND  
ARTICLE 9 (OFFENCE OF FAILING TO PREVENT SMOKING IN A SMOKE-FREE  
PLACE: PRIVATE VEHICLE)**

**FIXED PENALTY NOTICE**

**PENALTY AMOUNT £50**

**Changes to legislation:** There are currently no known outstanding effects for the The Smoke-free (Premises, Vehicle Operators and Penalty Notices) Regulations (Northern Ireland) 2007, SCHEDULE 2. (See end of Document for details)

**PART 1**  
**RECIPIENT COPY**

**Penalty Notice number:** \_\_\_\_\_

**Full name of alleged offender:** \_\_\_\_\_

**Address of alleged offender:** \_\_\_\_\_

\_\_\_\_\_ **Post code:** \_\_\_\_\_

**Date of birth (if known):** \_\_\_\_\_ **Male/female (circle one)**

I, ..... (name), an authorised officer of the [name of District Council/enforcement authority] under Article 11 of the Smoking (Northern Ireland) Order 2006, have reason to believe that you committed an offence under (tick one box)

- Article 8 of the Smoking (Northern Ireland) Order 2006 (smoking in a smoke-free place(a)),
- or
- Article 9 of the Smoking (Northern Ireland) Order 2006 (failing to prevent smoking in a smoke-free place: private vehicle(b))

(a) Article 8(1) of the Smoking (Northern Ireland) Order 2006 provides that smoke-free places include smoke-free premises and smoke-free vehicles.

(b) By virtue of regulation 12(1A) of the Smoke-free (Exemptions, Vehicles, Penalties and Discounted Amounts) Regulations (Northern Ireland) 2007, a private vehicle is smoke-free when it is enclosed, there is more than one person present in the vehicle and a person under the age of 18 is present in the vehicle.

**Changes to legislation:** There are currently no known outstanding effects for the The Smoke-free (Premises, Vehicle Operators and Penalty Notices) Regulations (Northern Ireland) 2007, SCHEDULE 2. (See end of Document for details)

in premises, a place or vehicle in relation to which [*name of District Council/enforcement authority*] has enforcement responsibilities.

The circumstances alleged to constitute the offence are that at:

\_\_\_\_\_ (*time*) on \_\_\_\_\_ (*date*)

you, at/ on the following premises, place or vehicle (*where alleged offence took place, including address, if any*):

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being premises, a place or vehicle to which the provisions of Article 8 or 9 of the Smoking (Northern Ireland) Order 2006 applies, allegedly (*details of offence*):

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This notice offers you the opportunity of discharging any liability for conviction for that offence by the payment of a fixed penalty of **£50 (fifty pounds)**. No proceedings will be taken for this offence before the expiration of 29 days beginning with \_\_\_\_\_ [*insert date on which this notice is given*]. You will not be liable to conviction for the offence if you 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 within the period of 15 days beginning with \_\_\_\_\_ [*insert date on which this notice is given*]. If the 15th day is not a working day, you may pay on the next working day. "Working day" means any day which is not Saturday, Sunday, Christmas Day, Good Friday or a day which is a bank holiday. In this Form, this period is referred to as the 15 day period.**

Information for the immediate attention of the person who has been issued with this penalty notice is at Part 2 of this notice. Details about how to pay this fixed penalty are at Part 3 of this notice. Details about how to request a court hearing in relation to this alleged offence are at Part 4 of this notice.

\_\_\_\_\_  
*Signature of authorised officer*

\_\_\_\_\_  
*Date of issue*

**Changes to legislation:** There are currently no known outstanding effects for the The Smoke-free (Premises, Vehicle Operators and Penalty Notices) Regulations (Northern Ireland) 2007, SCHEDULE 2. (See end of Document for details)

## **PART 2**

### **INFORMATION FOR THE IMMEDIATE ATTENTION OF THE PERSON WHO HAS BEEN ISSUED WITH THIS PENALTY NOTICE:**

You have received this notice because the authorised officer of [*name of District Council/enforcement authority*] named in Part 1 of this notice has reason to believe that you have committed the offence of:

- (i) smoking in a smoke-free premises or vehicle; or
- (ii) failing to prevent smoking in a smoke-free private vehicle

as described in Part 1. Within **the 29 day period**, you **must either** pay the penalty **or** request that the matter be heard by a court. You may not do both.

If you fail to do either, [*name of District Council/enforcement authority*] as an enforcement authority by virtue of Article 11 of the Smoking (Northern Ireland) Order 2006, may pursue this matter in court. A person found guilty of the offence of smoking in a smoke-free premises or vehicle is liable on summary conviction to a fine not exceeding level 3 on the standard scale, as specified in Article 8(5) of the Smoking (Northern Ireland) Order 2006. A person found guilty of failing to prevent smoking in a smoke-free private vehicle is liable on summary conviction to a fine not exceeding level 4 on the standard scale as specified in Article 9(6) of the Smoking (Northern Ireland) Order 2006.

## **PART 3**

### **PAYING THE PENALTY**

The amount of the fixed penalty is **£50 (fifty pounds)**. It must be paid within the 29 day period which is specified in Part 1.

You can pay a discounted amount of **£30 (thirty pounds)** if you pay within the 15 day period which is specified in Part 1.

If you choose to pay the penalty, no further action will be taken in respect of the alleged offence described at Part 1 of this penalty notice. The payment of the penalty involves no admission of guilt and will not result in a record of criminal conviction being made against you.

Payment may be made by completing Part 3A and returning it with payment to the address stated in that Part, or by completing Part 3A and paying in person at the [*name and address of District Council/enforcement authority*]. Acceptable methods of payment include cash, cheque, postal order or money order.

Cheques, postal orders or money orders should be made payable to [*name of District Council/enforcement authority*]. If you chose to pay this penalty in cash by post, this must be sent by registered post, and proof of posting must be retained. If you require a receipt for the payment of the penalty, you must ask for one at the time of payment, and if paying by post you must provide a stamped, self-addressed envelope.

**WARNING: LATE PAYMENT WILL NOT BE ACCEPTED. YOU WILL NOT BE SENT A REMINDER.**

**Changes to legislation:** There are currently no known outstanding effects for the The Smoke-free (Premises, Vehicle Operators and Penalty Notices) Regulations (Northern Ireland) 2007, SCHEDULE 2. (See end of Document for details)

### **PART 3A**

#### **PAYMENT OF FIXED PENALTY ISSUED UNDER ARTICLE 8 OR 9 OF THE SMOKING (NORTHERN IRELAND) ORDER 2006 (OFFENCE OF SMOKING IN A SMOKE-FREE PLACE OR OFFENCE OF FAILING TO PREVENT SMOKING IN A SMOKE-FREE PRIVATE VEHICLE)**

*This slip must accompany all payments*

To: *[Name and address of District Council/enforcement authority where payment should be sent]*.

**Penalty Notice number:** \_\_\_\_\_

I enclose the amount of:  
(tick one box)

£30 (if the payment is made within the 15 day period specified in Part 1)

£50 (if the payment is made within the 29 day period specified in Part 1)

**Full name of alleged offender:** \_\_\_\_\_

**Address of alleged offender:** \_\_\_\_\_

\_\_\_\_\_  
**Post code:** \_\_\_\_\_

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

### **PART 4**

#### **REQUESTING A COURT HEARING**

If you wish to contest the issue of this penalty notice and have your case heard in a court of law, **you must** complete Part 4A in full and return it by post to the address stated in that Part within **the 29 day period**.

If you choose to request a court hearing, you must do so by completing Part 4A and sending it to *[name of District Council/enforcement authority]* or by writing to *[name of District Council/enforcement authority]* at the address stated in Part 4A, giving your details, the penalty notice number (which can be found in Part 1 of this notice) and an address at which a summons can be served on you. The summons will tell you when and where to attend court. Only the recipient of this penalty notice (the person named at Part 1) may request a court hearing.

**If you have any questions or any representations about this penalty notice, please contact *[name of District Council/enforcement authority and contact details]*.**

**Changes to legislation:** There are currently no known outstanding effects for the The Smoke-free (Premises, Vehicle Operators and Penalty Notices) Regulations (Northern Ireland) 2007, SCHEDULE 2. (See end of Document for details)

**PART 4A**  
**THE SMOKING (NORTHERN IRELAND) ORDER 2006: OFFENCE OF  
SMOKING IN A SMOKE-FREE PLACE UNDER ARTICLE 8 OR OFFENCE  
OF FAILING TO PREVENT SMOKING IN A SMOKE-FREE PRIVATE  
VEHICLE UNDER ARTICLE 9**

**REQUEST FOR ALLEGED OFFENCE TO BE DEALT WITH BY A COURT  
OF LAW**

To: *[Name and address of District Council/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:** \_\_\_\_\_

**Address of alleged offender:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ **Post code:** \_\_\_\_\_

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

**Changes to legislation:**

There are currently no known outstanding effects for the The Smoke-free (Premises, Vehicle Operators and Penalty Notices) Regulations (Northern Ireland) 2007, SCHEDULE 2.