



Health Act 2006

2006 CHAPTER 28

PART 1

SMOKING

CHAPTER 1

SMOKE-FREE PREMISES, PLACES AND VEHICLES

Offences relating to smoking in smoke-free premises, etc.

7 Offence of smoking in smoke-free place

- (1) In this section, a “smoke-free place” means any of the following—
 - (a) premises, so far as they are smoke-free under or by virtue of sections 2 and 3 (including premises which by virtue of regulations under section 3(5) are smoke-free except in relation to performers),
 - (b) a place, so far as it is smoke-free by virtue of section 4,
 - (c) a vehicle, so far as it is smoke-free by virtue of section 5.
- (2) A person who smokes in a smoke-free place commits an offence.
- (3) But a person who smokes in premises which are not smoke-free in relation to performers by virtue of regulations under section 3(5) does not commit an offence if he is such a performer.
- (4) It is a defence for a person charged with an offence under subsection (2) to show that he did not know, and could not reasonably have been expected to know, that it was a smoke-free place.
- (5) If a person charged with an offence under this section relies on a defence in subsection (4), and evidence is adduced which is sufficient to raise an issue with

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Changes to legislation: There are currently no known outstanding effects for the Health Act 2006, Section 7. (See end of Document for details)

respect to that defence, the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.

- (6) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding a level on the standard scale specified in regulations made by the Secretary of State.

Commencement Information

- I1** S. 7 in force for certain purposes at Royal Assent, see s. 83
I2 S. 7 in force at 2.4.2007 for W. in so far as not already in force by [S.I. 2007/204](#), **art. 2(a)**
I3 [S. 7](#) in force at 1.7.2007 for E. in so far as not already in force by [S.I. 2007/1375](#), **art. 2(a)**

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