



# Public Health (Wales) Act 2017

2017 anaw 2

## PART 3

### TOBACCO AND NICOTINE PRODUCTS

#### CHAPTER 1

##### SMOKING

###### *Enforcement*

#### **27 Fixed penalty notices**

- (1) Where an authorised officer has reason to believe that a person has committed either of the following offences on premises or in a place or vehicle in relation to which the enforcement authority is authorised to act—
  - (a) an offence under section 5(1);
  - (b) an offence under section 17(5),the officer may give that person a fixed penalty notice in respect of the offence.
- (2) Where an authorised officer has reason to believe that a person has committed an offence under section 6(6) in relation to a vehicle being used for the purposes mentioned in subsection (4), in relation to which the enforcement authority is authorised to act, the officer may give that person a fixed penalty notice in respect of the offence.
- (3) A fixed penalty notice is a notice offering a person the opportunity to discharge any liability to conviction for the offence to which the notice relates by paying a fixed penalty.
- (4) The purposes are the social, domestic or other private purposes of the person believed by the authorised officer to have committed the offence.

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**Changes to legislation:** Public Health (Wales) Act 2017, Section 27 is up to date with all changes known to be in force on or before 27 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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- (5) In the case of an offence that an authorised officer has reason to believe has been committed by a partnership, the references in subsections (1) and (2) to the person to whom a fixed penalty notice may be given are to be treated as references to the partnership.
- (6) In the case of an offence that an authorised officer has reason to believe has been committed by an unincorporated association other than a partnership, the references in subsections (1) and (2) to the person to whom a fixed penalty notice may be given are to be treated as references to the association.
- (7) In this section, “partnership” means—
- (a) a partnership within the Partnership Act 1890 (c.39), or
  - (b) a limited partnership registered under the Limited Partnerships Act 1907 (c.24).
- (8) For further provision about fixed penalties, see Schedule 1.

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**Commencement Information**

- I1** S. 27 in force at 29.9.2020 for specified purposes by S.I. 2020/1048, art. 2(1)(f)
- I2** S. 27 in force at 1.3.2021 in so far as not already in force by S.I. 2021/202, art. 2

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing S.I. 2017/949, art. 3 by [S.I. 2017/967 art. 2](#)