



Public Health (Wales) Act 2017

2017 anaw 2

PART 3

TOBACCO AND NICOTINE PRODUCTS

CHAPTER 2

RETAILERS OF TOBACCO AND NICOTINE PRODUCTS

Enforcement

49 Fixed penalty notices

- (1) Where an authorised officer has reason to believe that a person has committed an offence under section 38(2), (4) or (5) in the local authority's area, the officer may give that person a fixed penalty notice in respect of the offence.
- (2) 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.
- (3) In the case of an offence that an authorised officer has reason to believe has been committed by a partnership, the reference in subsection (1) to the person to whom a fixed penalty notice may be given is to be treated as a reference to the partnership.
- (4) 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 reference in subsection (1) to the person to whom a fixed penalty notice may be given is to be treated as a reference to the association.
- (5) 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 \(c.24\)](#).

Status: This is the original version (as it was originally enacted).

(6) For further provision about fixed penalties, see Schedule 1.