



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.

Status: This is the original version (as it was originally enacted).

- (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.