

## SCHEDULES

### SCHEDULE 1

#### FIXED PENALTIES

#### *Withdrawal of notices*

**16.**—(1) This paragraph applies if a [<sup>F1</sup>district council or other enforcement authority] considers that a penalty notice which an authorised officer acting on its behalf has given to a person ought not to have been given.

(2) The [<sup>F2</sup>district council or other enforcement authority] may give notice to that person withdrawing the penalty notice.

(3) If it does so—

(a) it must repay to that person any amount which has been paid by way of penalty in pursuance of the penalty notice, and

(b) no proceedings may be brought or continued against that person for the offence in question.

(4) The [<sup>F3</sup>council or other enforcement authority] must consider any representations made by or on behalf of the recipient of a fixed penalty notice and decide in all the circumstances whether to withdraw the notice.

#### **Textual Amendments**

**F1** Words in Sch. 1 para. 16(1) substituted (1.2.2022) by [The Smoke-Free \(Private Vehicles\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/328\)](#), regs. 1(1), **6(2)**

**F2** Words in Sch. 1 para. 16(2) substituted (1.2.2022) by [The Smoke-Free \(Private Vehicles\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/328\)](#), regs. 1(1), **6(2)**

**F3** Words in Sch. 1 para. 16(4) substituted (1.2.2022) by [The Smoke-Free \(Private Vehicles\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/328\)](#), regs. 1(1), **6(3)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Smoking (Northern Ireland) Order 2006, Paragraph 16.