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STATUTORY INSTRUMENTS

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**2006 No. 2957**

**The Smoking (Northern Ireland) Order 2006**

*Offences relating to smoking*

**Offence of smoking in smoke-free place**

8.—(1) In this Article, a “smoke-free place” means any of the following—

- (a) premises so far as they are smoke-free under or by virtue of Articles 3 and 4,
- (b) a place, so far as it is smoke-free by virtue of Article 5,
- (c) a vehicle, so far as it is smoke-free by virtue of Article 6.

(2) A person who smokes in a smoke-free place commits an offence.

(3) It is a defence for a person charged with an offence under paragraph (2) to show that he did not know, and could not reasonably have been expected to know, that it was a smoke-free place.

(4) If a person charged with an offence under this Article relies on the defence in paragraph (3), and evidence is adduced which is sufficient to raise an issue with respect to that defence, the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.

(5) A person guilty of an offence under this Article is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

**Offence of failing to prevent smoking in smoke-free place**

9.—(1) It is the duty of any person who controls or is concerned in the management of smoke-free premises to cause a person smoking there to stop smoking.

(2) Regulations may provide for a duty corresponding to that mentioned in paragraph (1) to be imposed on specified persons or descriptions of person in relation to—

- (a) places which are smoke-free by virtue of Article 5,
- (b) vehicles which are smoke-free by virtue of Article 6.

(3) A person who fails to comply with the duty in paragraph (1), or any corresponding duty in regulations under paragraph (2), commits an offence.

(4) It is a defence for a person charged with an offence under paragraph (3) to show—

- (a) that he took reasonable steps to cause the person in question to stop smoking, or
- (b) that he did not know, and could not reasonably have been expected to know, that the person in question was smoking, or
- (c) that on other grounds it was reasonable for him not to comply with the duty.

(5) If a person charged with an offence under this Article relies on a defence in paragraph (4), and evidence is adduced which is sufficient to raise an issue with respect to that defence, the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.

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**Changes to legislation:** There are currently no known outstanding effects for the The Smoking (Northern Ireland) Order 2006, Offences relating to smoking. (See end of Document for details)

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(6) A person guilty of an offence under this Article is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(7) References in this Article, however expressed, to premises, places or vehicles which are smoke-free are to those premises, places or vehicles so far as they are smoke-free under or by virtue of this Order.

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**Commencement Information**

**II** [Art. 9](#) wholly in operation at 30.4.2007; [art. 9\(2\)](#) in operation at 15.1.2007 see [art. 1\(3\)](#); [art. 9](#) in operation at 30.4.2007 insofar as not already in operation by [S.R. 2007/118](#), [art. 2](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Smoking (Northern Ireland) Order 2006, Offences relating to smoking.