
DRAFT STATUTORY INSTRUMENTS

2006 No.

The Smoking (Northern Ireland) Order 2006

Introductory

Title and commencement

1.—(1) This Order may be cited as the Smoking (Northern Ireland) Order 2006.

(2) Except as provided by paragraph (3), this Order comes into operation on such day or days as the Department may by order appoint.

(3) The following provisions come into operation two months after the date on which this Order is made—

- (a) this Article;
- (b) Article 2;
- (c) Article 3(5);
- (d) Articles 4 to 6;
- (e) Article 7, so far as it authorises the making of regulations;
- (f) Article 9(2);
- (g) Article 11(3);
- (h) Articles 14 to 16;
- (i) paragraphs 4, 5, 8 and 17 of Schedule 1 (and Article 10(3) so far as relating to those paragraphs).

Interpretation

2.—(1) Subject to Article 13(1), the Interpretation Act (Northern Ireland) 1954 ([c. 33](#)) applies to this Order as it applies to an Act of the Assembly.

(2) In this Order—

- (a) “smoking” refers to smoking tobacco or anything which contains tobacco, or smoking any other substance; and
- (b) smoking includes being in possession of lit tobacco or of anything lit which contains tobacco, or being in possession of any other lit substance in a form in which it could be smoked.

(3) In this Order—

“authorised officer” has the meaning given by Article 11(2);

“the Department” means the Department of Health, Social Services and Public Safety;

“premises” includes—

- (a) any building,
- (b) any structure or installation (whether movable or not); and

(c) any tent;

“regulations” means regulations made by the Department;

“smoke” and other related expressions are to be read in accordance with paragraph (2);

“specified”, in relation to regulations, means specified in the regulations;

“vehicle” includes any type of vehicle, train, vessel or other means of transport, except—

(a) an aircraft; and

(b) any ship or hovercraft in relation to which regulations could be made under section 85 of the Merchant Shipping Act 1995 (c. 21) (safety and health on ships), including that section as applied by any Order in Council under section 1(1)(h) of the Hovercraft Act 1968 (c. 59);

“work” includes voluntary work.

(4) The district of a district council which is bounded by or to seaward of the high-water mark of mean tides shall also include, for the purposes of this Order, the territorial waters of the United Kingdom which are outside that district adjacent to any place where that high-water mark is within or on the boundary of that district.