



Health Act 2006

2006 CHAPTER 28

PART 1

SMOKING

CHAPTER 1

SMOKE-FREE PREMISES, PLACES AND VEHICLES [^{F1}IN ENGLAND]

No-smoking signs

6 No-smoking signs

- (1) It is the duty of any person who occupies or is concerned in the management of smoke-free premises to make sure that no-smoking signs complying with the requirements of this section are displayed in those premises in accordance with the requirements of this section.
- (2) Regulations made by the [^{F1}Secretary of State] may provide for a duty corresponding to that mentioned in subsection (1) in relation to—
 - (a) places which are smoke-free by virtue of section 4,
 - (b) vehicles which are smoke-free by virtue of section 5.

The duty is to be imposed on persons, or on persons of a description, specified in the regulations.

- (3) The signs must be displayed in accordance with any requirements contained in regulations made by the [^{F2}Secretary of State].
- (4) The signs must conform to any requirements specified in regulations made by the [^{F3}Secretary of State] (for example, requirements as to content, size, design, colour, or wording).

Changes to legislation: There are currently no known outstanding effects for the Health Act 2006, Section 6. (See end of Document for details)

- (5) A person who fails to comply with the duty in subsection (1), or any corresponding duty in regulations under subsection (2), commits an offence.
- (6) It is a defence for a person charged with an offence under subsection (5) to show —
- (a) that he did not know, and could not reasonably have been expected to know, that the premises were smoke-free (or, as the case may be, that the place or vehicle was smoke-free), or
 - (b) that he did not know, and could not reasonably have been expected to know, that no-smoking signs complying with the requirements of this section were not being displayed in accordance with the requirements of this section, or
 - (c) that on other grounds it was reasonable for him not to comply with the duty.
- (7) If a person charged with an offence under subsection (5) relies on a defence in subsection (6), 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.
- (8) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding a level on the standard scale specified in regulations made by the Secretary of State.
- (9) The references in this section, 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 Chapter (and references to smoke-free premises include premises which by virtue of regulations under section 3(5) are smoke-free except in relation to performers).

Textual Amendments

- F1** Words in s. 6(2) substituted (1.3.2021) by [Public Health \(Wales\) Act 2017 \(anaw 2\)](#), s. 126(2), [Sch. 2 para. 8](#); [S.I. 2021/202](#), art. 2
- F2** Words in s. 6(3) substituted (1.3.2021) by [Public Health \(Wales\) Act 2017 \(anaw 2\)](#), s. 126(2), [Sch. 2 para. 8](#); [S.I. 2021/202](#), art. 2
- F3** Words in s. 6(4) substituted (1.3.2021) by [Public Health \(Wales\) Act 2017 \(anaw 2\)](#), s. 126(2), [Sch. 2 para. 8](#); [S.I. 2021/202](#), art. 2
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Commencement Information

- I1** S. 6 in force for certain purposes at Royal Assent, see s. 83
- I2** S. 6 in force at 2.4.2007 for W. in so far as not already in force by [S.I. 2007/204](#), [art. 2\(a\)](#)
- I3** S. 6 in force at 1.7.2007 for E. in so far as not already in force by [S.I. 2007/1375](#), [art. 2\(a\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Health Act 2006, Section 6.