
STATUTORY INSTRUMENTS

2006 No. 3368

The Smoke-free (Premises and Enforcement) Regulations 2006

Enforcement

3.—(1) Each of the following authorities is designated as an enforcement authority for the purposes of Chapter 1 of Part 1 of the Act—

- (a) a unitary authority;
- (b) a district council in so far as it is not a unitary authority;
- (c) a London borough council;
- (d) a port health authority;
- (e) the Common Council of the City of London;
- (f) the Sub-Treasurer of the Inner Temple and the Under Treasurer of the Middle Temple; and
- (g) the Council of the Isles of Scilly.

(2) In this regulation—

“port health authority” means an authority constituted under section 2(3) (port health districts and authorities) of the Public Health (Control of Disease) Act 1984(1) or continued to be so known and styled under paragraph 1 of Schedule 1 (transitional provisions and savings) to that Act; and

“unitary authority” means—

- (a) the council of a county so far as it is the council for an area for which there are no district councils; or
- (b) the council of any district comprised in an area for which there is no county council.

(3) An enforcement authority has enforcement functions in relation to the premises and vehicles that are within—

- (a) in the case of a port health authority, the district for which it is a port health authority; and
- (b) in the case of other authorities, the area for which it is a local authority other than any part of that area which falls within the district of a port health authority,

except to the extent that those functions have been transferred to another enforcement authority under paragraph (5).

(4) In addition, each enforcement authority has enforcement functions in relation to premises and vehicles to the extent to which functions are transferred to it under paragraph (5).

(5) Where more than one enforcement authority is investigating the same person for an offence under section 6(5) (no-smoking signs), 7(2) (smoking in a smoke-free place), 8(4) (failing to prevent smoking in a smoke-free place) or 11(1) (obstruction etc of officers) of the Act, enforcement functions may be transferred from one or more of those enforcement authorities to—

- (a) an enforcement authority that is carrying out any of those investigations; or
- (b) any other enforcement authority,

under arrangements made between the transferring and receiving authorities.