



2016 CHAPTER 26

PART 1

Sale or use of nicotine products and tobacco

Prohibition of use of tobacco or nicotine products in a private vehicle

5.—(1) The Smoking (Northern Ireland) Order 2006 is amended in accordance with subsections (2) to (7).

(2) In Article 6 (smoke-free vehicles)—

(a) after paragraph (1) insert—

“(1A) Regulations under this Article may in particular provide for a private vehicle to be smoke-free where a person under the age of 18 is present in the vehicle.”;

(b) in paragraph (2), for “The regulations” substitute “Regulations under this Article”.

(3) In Article 10 (fixed penalties)—

(a) for the heading substitute “Fixed penalties”;

(b) in paragraph (1), for “, or in a place or vehicle,” substitute “or in a place”;

(c) after paragraph (1) insert—

“(1A) An authorised officer of an enforcement authority who has reason to believe that a person has committed an offence under Article 7(5) or 8(2) in a vehicle in relation to which the authorised officer has functions may give that person a penalty notice in respect of the offence.

(1B) The Department may by regulations provide that, in the circumstances specified in the regulations, an authorised officer of an enforcement authority who has reason to believe that a person has

committed an offence under Article 9(3) in relation to a vehicle in relation to which the authorised officer has functions may give the person a penalty notice in respect of the offence.”.

(4) In Article 11 (enforcement)—

- (a) for the heading substitute “Enforcement”;
- (b) in paragraph (1), for “premises, places and vehicles” substitute “premises and places”;
- (c) after paragraph (1) insert—

“(1A) The Department may make regulations designating the persons or bodies or descriptions of person or body which are to be enforcement authorities for the purposes of enforcing, as respects vehicles, the provisions of this Order and regulations made under it.

(1B) The regulations—

- (a) must specify the descriptions of vehicle in relation to which an enforcement authority has functions,
- (b) may provide for a case being dealt with by one enforcement authority to be transferred (or further transferred back) to, and taken over by, another enforcement authority.

(1C) It is the duty of an enforcement authority to enforce, as respects the vehicles in relation to which it has enforcement functions, the provisions of this Order and of regulations made under it.”;

(d) in paragraph (2)—

- (i) after “district council” insert “or other enforcement authority”;
- (ii) after “the council” insert “or other authority”;
- (iii) for “authorised by it” substitute “authorised by that council or other authority”.

(5) In Article 12(1) (obstruction of officers), after “district council” insert “or other enforcement authority”.

(6) In Article 15(3) (regulations subject to affirmative procedure)—

- (a) in sub-paragraph (a), for “or 14” substitute “, 10(1B) or 14”;
- (b) in sub-paragraph (b), for “or 8” substitute “, 8 or 18”.

(7) In Schedule 1 (fixed penalties), after paragraph 17 add—

“Power to amend or modify Schedule

18. The Department may by regulations—

- (a) amend this Schedule so as to modify its application in relation to penalty notices issued by an authorised officer of an enforcement authority of a particular kind,

(b) provide for this Schedule to apply with modifications in relation to such notices”

(8) The Department may by regulations make provision prohibiting the use of nicotine products in a private vehicle where a person under the age of 18 is present in the vehicle, and such regulations may for that purpose amend, or apply with modifications, the provisions of the Smoking (Northern Ireland) Order 2006 to nicotine products.