
STATUTORY INSTRUMENTS

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.