
EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations contain provisions which relate to smoke-free premises and vehicles pursuant to powers contained in the Smoking (Northern Ireland) Order 2006 (“the Order”).

Regulation 2 specifies the meanings of “enclosed” and “substantially enclosed” premises. By paragraph (1) premises are enclosed if they have a ceiling or roof and, except for doors, windows and passageways, they are wholly enclosed either permanently or temporarily. By paragraphs (2) and (3) premises are substantially enclosed if they have a ceiling or roof and less than half of the perimeter consists of openings in the walls, other than windows, doors or openings which can be shut. Paragraph (4) defines “roof” for the purposes of the regulations to include any fixed or moveable structure which is capable of covering all or part of the premises.

Regulation 3 provides that the driver, any person with management responsibilities for the vehicle and any person on a vehicle with responsibility for safety or order on that vehicle are each under a duty to cause persons to cease smoking in the vehicle.

Regulation 4 and Schedules 1 and 2 set out fixed penalty forms.

Schedule 1 applies to the offence of failing to display prescribed no-smoking signs or failing to display no-smoking signs in a prescribed manner under Article 7 of the Order. The maximum penalty on conviction is a fine of level 3 on the standard scale, the fixed penalty is £200 and the discounted amount for prompt payment is £150.

Schedule 2 applies to the offence of smoking in smoke-free place under Article 8 of the Order. The maximum penalty on conviction is a fine of level 1 on the standard scale, the fixed penalty is £50 and the discounted amount for prompt payment is £30.