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STATUTORY INSTRUMENTS

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**2017 No. 510**

The West Midlands Combined Authority  
(Functions and Amendment) Order 2017

PART 5

Air quality; smoke-free premises, places and  
vehicles; culture and anti-social behaviour

**Smoke-free premises, places and vehicles**

**18.**—(1) The functions of the constituent councils specified in the following provisions are exercisable by the Combined Authority in relation to the combined area—

- (a) section 10(3) (duty to enforce) and (5) (power to authorise officers) of the Health Act 2006<sup>(1)</sup>;
- (b) paragraphs 13 and 16 (functions relating to fixed penalty notices) of Schedule 1 to the Health Act 2006<sup>(2)</sup>;
- (c) regulation 3(5) of the Smoke-free (Premises and Enforcement) Regulations 2006 (power to transfer enforcement functions to another enforcement authority)<sup>(3)</sup>; and
- (d) regulation 3(4) of the Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (form of fixed penalty notice)<sup>(4)</sup>.

(2) The functions are exercisable concurrently with the constituent councils.

(3) For the purposes of paragraph (1) the Combined Authority is to be treated as an enforcement authority<sup>(5)</sup>.

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(1) 2006 c. 28. Section 10 was amended by section 95 of the Children and Families Act 2014 (c. 6).

(2) Schedule 1 was amended by section 95 of the Children and Families Act 2014 (c. 6).

(3) S.I. 2006/3368. Regulation 3 was amended by S.I. 2015/286.

(4) S.I. 2007/760. Regulation 3 was amended by S.I. 2015/939.

(5) Section 10(1) (enforcement) of the 2006 Act permits regulations to be made designating persons who are to be enforcement authorities for the purposes of Chapter 1 of that Act. Regulation 3(1)(a) and (b) of the Smoke-free (Premises and Enforcement) Regulations (S.I. 2006/3368) provide that a unitary authority and a district council insofar as it is not a unitary authority is designated as an enforcement authority for the purposes of Chapter 1 of Part 1 of the 2006 Act.