WELSH STATUTORY INSTRUMENTS

2007 No. 787 (W.68)

PUBLIC HEALTH, WALES

The Smoke-free Premises etc. (Wales) Regulations 2007

Made - - - -	*9 March 2007*
Coming into force - -	*at 6am on 2 April 2007*

The National Assembly for Wales, in exercise of the powers conferred by sections 2(5), 3, 5(1) and (2), 6, 8(3), 10 and 79(3) of, and paragraph 4 of Schedule 1 to, the Health Act 2006(**1**) and section 26 of the Welsh Language Act 1993(**2**), hereby makes the following Regulations:

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is the Smoke- free Premises etc. (Wales) Regulations 2007 and they come into force at 6am on 2 April 2007.

(2) These Regulations apply in relation to Wales.

(3) In these Regulations (except where the context otherwise requires) —

"the Act" ("*y Ddeddf*") means the Health Act 2006;

"adult hospice" ("*hosbis i oedolion*") means an establishment, the whole or main purpose of which is to provide palliative care for persons aged not less than 18 years who are resident there and are suffering from progressive disease in its final stages;

"care home" ("*cartref gofal*") is to be construed in accordance with section 3 of the Care Standards Act 2000(**3**);

"designated" ("*dynodedig*") means designated in writing by the person in charge of premises;

"mental health unit" ("*uned iechyd meddwl*") means an establishment or part of an establishment the main purpose of which is the provision of treatment or nursing (or both) for persons suffering from mental disorder as defined in section 1(2) of the Mental Health Act 1983(**4**);

"private dwelling" ("*annedd breifat*") includes self-contained residential accommodation for temporary or holiday use and any garage, outhouse or other structure for the exclusive use of persons living in the dwelling;

(**1**) 2006 c. 28.
(**2**) 1993 c. 38.
(**3**) 2000 c. 14.
(**4**) 1983 c. 20.

"private vehicle" ("*cerbyd preifat*") means a vehicle which is used wholly or mainly for the private purposes of the person who owns it or who has a right to use it which does not derive from a payment or undertaking to pay for the use of the vehicle or its driver for a particular journey.

Meaning of "enclosed" and "substantially enclosed" premises

2.—(1) For the purposes of section 2 of the Act, 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.

(2) For the purposes of section 2 of the Act, premises are substantially enclosed if they have a ceiling or roof and any openings in the walls have a total area which is less than half of the area of the walls, including other structures which serve the purpose of walls.

(3) In determining the area of openings for the purposes of paragraph (2), no account is to be taken of openings in which there are doors, windows or other fittings which can be opened or shut.

(4) In this regulation "roof" includes any fixed or moveable structure or device.

Exemptions for smoke-free premises

3.—(1) A private dwelling is not smoke-free except for any part of it which is —

(a) shared with other premises (including any other private dwelling) or

(b) used solely as a place of work other than work which is excluded by paragraphs (2) or (3).

(2) Work undertaken in part of a dwelling which is used solely as a place of work is excluded from paragraph (1)(b) if no person (other than a person who lives in the dwelling) works in that part or is invited to attend that part in connection with the work.

(3) There is excluded from paragraph (1)(b) all work which is undertaken solely —

(i) to provide personal or health care for a person living in the dwelling;

(ii) to assist with the domestic work of the household in the dwelling;

(iii) to maintain the structure or fabric of the dwelling;

(iv) to install, inspect, maintain or remove any service provided to the dwelling for the benefit of persons living in it.

(4) Subject to paragraphs (5) and (6) the following descriptions of premises are not smoke-free —

(a) designated rooms for use by those aged 18 years or more in —

(i) a care home;

(ii) an adult hospice;

(iii) a mental health unit which provides residential accommodation for patients;

(b) designated rooms in a research or testing facility;

(c) designated bedrooms in a hotel, guesthouse, inn, hostel or members' club.

(5) For the purposes of paragraph (4) a "designated room" or a "designated bedroom" as the case may be, means a room which —

(a) has been designated by the person in charge of the establishment concerned as a room in which smoking is permitted;

(b) has a ceiling and, except for doors and windows, is completely enclosed on all sides by solid floor to ceiling walls;

(c) does not have a ventilation system that ventilates into any other part of the premises (except any other designated rooms or designated bedrooms, as the case may be);

(d) does not have any door which opens on to smoke-free premises that is not mechanically closed immediately after use; and

(e) is clearly marked as a room in which smoking is permitted.

(6) A designated room in a research or testing facility is not smoke-free whilst it is being used for any research or tests which relate to —

(i) emissions from tobacco and other products used for smoking;

(ii) development of products for smoking with lower fire hazard or the fire safety testing of materials involving products for smoking;

(iii) development of smoking or pharmaceutical products that could result in the manufacture of less dangerous products for smoking; or

(iv) smoking cessation programmes.

Smoke-free vehicles

4.—(1) Subject to the following paragraphs of this regulation, a vehicle shall be smoke-free if it is used —

(a) for the transport of members of the public or a section of the public (whether or not for reward or hire); or

(b) for work purposes by more than one person (even if the persons who use it for such purposes do so at different times, or only intermittently).

(2) This regulation applies to vehicles and parts of vehicles which are enclosed.

(3) A vehicle or part of a vehicle is enclosed for the purposes of paragraph (2) where it has doors or windows which may be opened but it is not enclosed unless it is wholly or partly covered by a roof.

(4) This regulation applies to all vehicles other than —

(a) aircraft;

(b) ships or hovercraft in respect of which regulations could be made under section 85 of the Merchant Shipping Act 1995 (c. 21) (safety and health on ships), including that section as applied by any Order in Council under section 1(1)(h) of the Hovercraft Act 1968 (c. 59) or to persons on any such ship or hovercraft; or

(c) private vehicles.

(5) In this regulation "roof" does not include any roof which is completely stowed away so that it does not cover any part of a compartment in which persons may travel.

No-smoking signs: smoke-free premises

5.—(1) For the purposes of section 6 of the Act, any person who occupies or is concerned in the management of smoke-free premises must make sure that no-smoking signs meeting the requirements specified in paragraph (2) are displayed in those premises in accordance with the requirements contained in paragraph (3).

(2) A no-smoking sign must —

(a) be flat and rectangular and at least 160 millimetres by 230 millimetres;

(b) contain a graphic representation of a burning cigarette enclosed in a red circle at least 85 millimetres in diameter with a red bar across the circle which crosses the cigarette symbol;

(c) contain the following words — "Mae ysmygu yn y fangre hon yn erbyn y gyfraith / It is against the law to smoke in these premises".

(3) A no-smoking sign complying with the requirements of paragraph (2) must be displayed in a prominent position at or near each entrance to smoke-free premises.

No-smoking signs: smoke-free vehicles

6.—(1) The relevant person in relation to a vehicle which is smoke-free by virtue of regulation 4 must make sure that no-smoking signs meeting the requirements specified in paragraph (2) are displayed on the vehicle in accordance with the requirements contained in paragraph (3).

(2) A no-smoking sign must contain a graphic representation of a burning cigarette enclosed in a red circle at least 75 millimetres in diameter with a red bar across the circle which crosses the cigarette symbol.

(3) A no-smoking sign complying with the requirements of paragraph (2) must be displayed in a prominent position in each compartment of the vehicle, which is wholly or partly covered by a roof, including a driver's compartment.

(4) In paragraph (3) "roof" does not include a roof which is completely stowed away so that it does not cover any part of a compartment in which persons may travel.

(5) For the purpose of this regulation and regulation 7, a "relevant person" in relation to a smoke-free vehicle means —

(a) the operator

(b) the driver, and

(c) any person on a vehicle who is responsible for order or safety on it.

Duty to prevent smoking in smoke-free vehicles

7. It is the duty of the relevant person in relation to a vehicle which is smoke-free by virtue of regulation 4 to cause a person smoking in the vehicle to stop smoking.

Enforcement: designation of enforcement authorities

8.—(1) County councils and county borough councils in Wales are designated as enforcement authorities for the purposes of Chapter 1 of Part 1 of the Act.

(2) Subject to paragraph (3), each enforcement authority has enforcement functions in relation to the premises and vehicles which are within its area.

(3) Where more than one enforcement authority is investigating the same person under powers conferred by Chapter 1 of Part 1 of the Act, the authorities concerned may by agreement transfer enforcement functions to one of them or to any other enforcement authority.

Enforcement: penalty notice

9.—(1) The penalty notice forms set out in the Schedule to these Regulations are specified in relation to the offences described in them.

(2) Where there is a change to the amount of a fixed penalty or a discounted amount or to a level on the standard scale, the relevant specified form must be varied to reflect that change.

(3) An enforcement authority may include information on penalty notice forms as to the method of payment or to facilitate financial and administrative processing of the forms and may include on the forms coats of arms, logos or other devices to represent the authority.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**5**).

Rhodri Morgan
First Minister for Wales

9 March 2007

(**5**) 1998 c. 38.

SCHEDULE

Regulation 9(1)

Penalty Notice Forms

Ffurfiau ar Hysbysiad o Gosb

Ffurflen 1-Methu ag arddangos arwyddion dim ysmygu rhagnodedig neu methu ag arddangos arwyddion dim ysmygu mewn dull rhagnodedig.

[ENW'R A**WDURDOD GORFODI]**
[CYFEIRIAD YR AWDURDOD GORFODI]

DEDDF IECHYD 2006:
ADRAN 6 (METHU AG ARDDANGOS ARWYDDION DIM YSMYGU YN UNOL Â GOFYNION A WNAED GAN ADRAN 6 NEU ODDI TANI)

HYSBYSIAD O GOSB BENODEDIG

SWM Y GOSB BENODEDIG £200

RHAN 1: COPI'R SAWL SY'N DERBYN YR HYSBYSIAD

Penalty Notice Forms

Form 1-Failing to display prescribed no-smoking signs or failing to display no-smoking signs in a prescribed manner.

[NAME OF ENFORCEMENT AUTHORITY]
[ADDRESS OF ENFORCEMENT AUTHORITY]

HEALTH ACT 2006:
SECTION 6 (FAILURE TO DISPLAY NO-SMOKING SIGNS IN ACCORDANCE WITH REQUIREMENTS MADE BY OR UNDER SECTION 6)

FIXED PENALTY NOTICE

PENALTY AMOUNT £200

PART 1: RECIPIENT COPY

Rhif yr Hysbysiad o Gosb _____ **Penalty Notice number**

Enw llawn y tramgwyddwr honedig _____ **Full name of alleged offender**

_____

Cyfeiriad y tramgwyddwr honedig _____ **Address of alleged offender**

_____

_____

Cod post _____ **Post code**

Dyddiad geni (dd/mm/bbbb) ____/__/____ **Date of birth (dd/mm/yyyy)**

Rhyw *Gwryw* ☐ *Male* **Sex**
Benyw ☐ *Female*

Mae gennyf i, _____ I,

, un o swyddogion awdurdodedig [enw'r awdurdod gorfodi] , , an authorised officer of the [name of enforcement authority]

o dan Adran 9 o Ddeddf Iechyd 2006, reswm dros gredu eich bod wedi tramgwyddo o dan Adran 6 o Ddeddf Iechyd 2006 (methu ag arddangos arwyddion dim ysmygu yn unol â gofynion a wnaed gan Adran 6 neu oddi tani) mewn mangre, man neu gerbyd y mae gan [enw'r awdurdod gorfodi] gyfrifoldebau gorfodi drosti neu drosto.

under section 9 of the Health Act 2006, have reason to believe that you committed an offence under Section 6 of the Health Act 2006 (failure to display no-smoking signs in accordance with requirements made by or under section 6) in a premises, place or vehicle in respect of which [name of enforcement authority] has enforcement responsibilities.

Yr amgylchiadau yr honnir eu bod yn dramgwydd yw eich bod, am *(amser (24:00))*

The circumstances alleged to constitute the offence are that at (time *(24:00))*

_____

o'r gloch, ar (dyddiad *(dd/mm/bbbb))*

hours, on (date *(dd/mm/yyyy))*

_____/_/_____

yn y fangre, man neu gerbyd a ganlyn *(lle y digwyddodd y tramgwydd, gan gynnwys y cyfeiriad)*

You, at/on the following premises, place or vehicle *(where alleged offence took place, including address)*

_____

_____

sef mangre, man neu gerbyd yr honnir bod darpariaethau Adran 6 o Ddeddf Iechyd 2 006 yn gymwys iddi neu iddo *(manylion y tramgwydd)*

Being premises, a place or vehicle to which the provisions of Section 6 of the Health Act 2006 applies allegedly *(details of offence)*

_____

_____

Mae'r hysbysiad hwn yn rhoi i chi'r cyfle i fodloni unrhyw atebolrwydd am gollfarn am y tramgwydd hwnnw drwy dalu cosb benodedig o **£200 (dau gan punt).** Ni fydd camau yn cael eu cymryd ynghylch y tramgwydd hwn cyn pen 29 o ddiwrnodau ar ôl dyddiad yr Hysbysiad hwn. Ni fyddwch yn agored i'ch collfarnu am y tramgwydd os byddwch yn talu'r gosb benodedig yn ystod y cyfnod o 29 o ddiwrnodau ar ôl dyddiad yr hysbysiad hwn.

This notice offers you the opportunity of discharging any liability for conviction for that offence by payment of a fixed penalty of **£200 (two hundred pounds)**. No proceedings will be taken for this offence before the expiration of 29 days following the date of this Notice. You will not be liable to conviction for the offence if you pay the fixed penalty during the period of 29 days from the date of this notice.

Gallwch dalu swm gostyngedig o £150 (cant a hanner o bunnoedd) os byddwch yn talu o fewn 15 o ddiwrnodau ar ôl dyddiad yr Hysbysiad hwn.

You can pay a discounted amount of £150 (one hundred and fifty pounds) if you pay within 15 days from the date of this Notice.

Ceir gwybodaeth at sylw prydlon y person y dyroddir yr hysbysiad hwn o gosb iddo yn Rhan 2 o'r hysbysiad hwn. Ceir manylion ynghylch sut i dalu'r gosb benodedig hon yn Rhan 3 o'r hysbysiad hwn. Ceir manylion ynghylch sut i ofyn am wrandawiad llys mewn cysylltiad â'r tramgwydd honedig hwn yn Rhan 4 o'r hysbysiad hwn.

Information for the immediate attention of the person issued this penalty notice is at Part 2 of this notice. Details about how to pay this fixed penalty is at Part 3 of this notice. Details about how to request a court hearing in relation to this alleged offence is at Part 4 of this notice.

Llofnod y swyddog awdurdodedig _____ *Signature of authorised officer*

Dyddiad dyroddi (dd/mm/bbbb) _____/__/_____ *Date of issue (dd/mm/yyyy))*

RHAN 2

GWYBODAETH AT SYLW PRYDLON Y PERSON Y DYRODDIR YR HYSBYSIAD HWN O GOSB IDDO:

Yr ydych wedi derbyn yr hysbysiad hwn oherwydd bod gan swyddog awdurdodedig [enw'r awdurdod gorfodi] a enwir yn Rhan 1 o'r hysbysiad hwn reswm dros gredu eich bod wedi tramgwyddo drwy fethu ag arddangos arwyddion dim ysmygu yn unol â gofynion a wnaed gan Adran 6 neu oddi tani fel a ddisgrifir yn Rhan 1. O fewn 29 o ddiwrnodau ar ôl **dyddiad dyroddi'r** hysbysiad hwn, **rhaid i chi naill ai** dalu'r gosb **neu** ofyn am wrandawiad i'r mater gerbron y llys. Ni chaniateir i chi wneud y ddau beth.

Os byddwch yn methu â gwneud yr un o'r ddau beth, caiff [enw'r awdurdod gorfodi], ac yntau'n awdurdod gorfodi yn rhinwedd Adran 10 o Ddeddf Iechyd 2006, ddwyn y mater gerbron y llys. Bydd person a geir yn euog o'r tramgwydd o fethu ag arddangos arwyddion dim ysmygu yn unol â gofynion a wnaed gan adran 6 neu oddi tani yn agored ar gollfarn ddiannod i ddirwy nad yw'n fwy na lefel 3 ar y raddfa safonol, fel a bennir yn Rheoliadau Di-fwg (Cosbau a Symiau Gostyngedig) 2007.

PART 2

INFORMATION FOR THE IMMEDIATE ATTENTION OF THE PERSON ISSUED WITH THIS PENALTY NOTICE:

You have received this notice because the authorised officer of [name of enforcement authority] named in Part 1 of this notice has reason to believe that you have committed the offence of failing to display no-smoking signs in accordance with requirements made by or under section 6 as described in Part 1. Within 29 days of the **date of issue** of this notice, you **must either** pay the penalty **or** request that the matter be heard by a court. You may not do both.

If you fail to do either, [name of enforcement authority] as an enforcement authority by virtue of section 10 of the Health Act 2006, may pursue this matter in court. A person found guilty of the offence of failing to display no-smoking signs in accordance with requirements made by or under section 6 is liable on summary conviction to a fine not exceeding level 3 on the standard scale, as specified in the Smoke-free (Penalties and Discounted Amounts) Regulations 2007.

RHAN 3

TALU'R GOSB

Swm y gosb benodedig yw **£200 (dau gan punt)**, y mae'n rhaid ei dalu o fewn 29 o ddiwrnodau ar ôl dyddiad dyroddi'r hysbysiad hwn, fel a welir yn Rhan 1.

Gallwch dalu swm gostyngedig o **£150 (cant a hanner o bunnoedd)** os byddwch yn talu o fewn 15 o ddiwrnodau ar ôl dyddiad dyroddi'r hysbysiad hwn, fel a welir yn Rhan 1.

Os byddwch yn dewis talu'r gosb hon, ni chymerir camau pellach mewn cysylltiad â'r tramgwydd honedig a ddisgrifir yn Rhan 1 o'r hysbysiad hwn o gosb. Nid yw talu'r gosb yn golygu eich bod yn cyfaddef eich bod yn euog ac ni fydd yn arwain at gofnod o gollfarn droseddol yn eich erbyn.

Caniateir talu drwy lenwi Rhan 3A isod a dychwelyd Rhan 3A ynghyd â'ch taliad i'r cyfeiriad a nodir yn Ran 3A, neu drwy lenwi Rhan 3A isod a thalu'n bersonol yn [enw a chyfeiriad yr awdurdod gorfodi]. Mae arian parod, siec, archeb bost neu archeb arian yn ddulliau derbyniol o dalu.

Dylid gwneud sieciau, archebion post neu archebion arian yn daladwy i [enw'r awdurdod gorfodi]. Os dewiswch dalu'r gosb hon mewn arian parod drwy'r post, rhaid ei anfon drwy'r post cofrestredig, a rhaid cadw prawf o fod wedi'i bostio. Os bydd arnoch angen derbynneb am dalu'r gosb, rhaid i chi ofyn amdani pan fyddwch yn talu, ac os byddwch yn talu drwy'r post rhaid i chi ddarparu amlen ac arni stamp a'ch cyfeiriad chi eich hun.

RHYBUDD: NI DDERBYNNIR TALIAD HWYR. NID ANFONIR NODYN I'CH ATGOFFA.

PART 3

PAYING THE PENALTY

The amount of the fixed penalty is **£200 (two hundred pounds)**, which must be paid within 29 days of the date of issue of this notice, as shown in Part 1.

You can pay a discounted amount of **£150 (one hundred and fifty pounds)** if you pay within 15 days of the date of issue of this notice, as shown in Part 1.

If you choose to pay this penalty, no further action will be taken in respect to the alleged offence described at Part 1 of this penalty notice. The payment of the penalty involves no admission of guilt and will not result in a record of criminal conviction being made against you.

Payment may be made by completing Part 3A below and returning Part 3A with payment to the address stated in Part 3A, or by completing Part 3A below and paying in person at the [name and address of enforcement authority]. Acceptable methods of payment are cash, cheque, postal order or money order.

Cheques, postal orders or money orders should be made payable to [name of enforcement authority]. If you choose to pay this penalty in cash by post, this must be sent by registered post, and a proof of posting must be retained. If you require a receipt for the payment of the penalty, you must ask for one at the time of payment, and if paying by post you must provide a stamped, self-addressed envelope.

WARNING: LATE PAYMENT WILL NOT BE ACCEPTED. YOU WILL NOT BE SENT A REMINDER.

✂.....

RHAN 3A

TALU COSB BENODEDIG A DDYRODDIR O DAN DDEDDF IECHYD 2006, ADRAN 6 (METHU AG ARDDANGOS ARWYDDION DIM YSMYGU YN UNOL Â GOFYNION A WNAED GAN ADRAN 6 NEU ODDI TANI)

Rhaid amgáu'r slip hwn gyda phob taliad

At

[Enw'r awdurdod gorfodi a'r cyfeiriad yr y dylid anfon y taliad iddo].

Rhif yr Hysbysiad o Gosb

PART 3A

PAYMENT OF FIXED PENALTY ISSUED UNDER HEALTH ACT 2006, SECTION 6 (FAILURE TO DISPLAY NO-SMOKING SIGNS IN ACCORDANCE WITH REQUIREMENTS MADE BY OR UNDER SECTION 6)

This slip must accompany all payments

To

[Name and address at enforcement authority where payment should be remitted].

Penalty Notice number

Yr wyf yn amgáu'r swm o *(ticiwch y naill flwch neu'r llall)*

I enclose the amount of *(tick one box)*

(os daw'r taliad i law o fewn 15 o ddiwrnodau ar ôl dyroddi'r hysbysiad hwn o gosb) ☐£150 **(if payment will be received within 15 days of the issue of this penalty notice)**

(os daw'r taliad i law o fewn 29 o ddiwrnodau ar ôl dyroddi'r hysbysiad hwn o gosb) ☐£200 **(if payment will be received within 29 days of the issue of this penalty notice)**

Enw llawn **Full name**

Cyfeiriad **Address**

Cod post **Post code**

Llofnod **Signature**

Dyddiad *(dd/mm/bbbb)* **Date *(dd/mm/yyyy)***

RHAN 4

GOFYN AM WRANDAWIAD LLYS

Os byddwch yn dymuno herio dyroddi'r hysbysiad hwn o gosb a chael gwrandawiad i'ch achos gerbron llys barn **rhaid i chi** lenwi Rhan 4A isod yn llawn a'i dychwelyd drwy'r post i'r cyfeiriad a nodir yn Rhan 4A o fewn 29 o ddiwrnodau ar ôl dyddiad dyroddi'r hysbysiad hwn. Mae rhaid i chi gynnwys cyfeiriad lle y gellir cyflwyno gwŷs i chi. Bydd y wŷs yn rhoi gwybod i chi pryd i fynd i'r llys ac ym mhle y mae'r llys. Dim ond y sawl sy'n derbyn yr hysbysiad hwn o gosb (y person a enwir yn Rhan 1) a gaiff ofyn am wrandawiad llys.
I

Os bydd gennych unrhyw gwestiynau eraill ynghylch yr hysbysiad hwn o gosb, cysylltwch os gwelwch yn dda â/ag[enw'r awdurdod gorfodi a manylion cyswllt].

PART 4

REQUESTING A COURT HEARING

If you wish to contest the issue of this penalty notice and have your case heard in a court of law you must complete Part 4A below in full and return it by post to the address stated on Part 4A within 29 days of the date of issue of this notice. You must include an address at which a summons can be served on you. The summons will tell you when and where to attend court. Only the recipient of this penalty notice (the person named at Part 1) may request a court hearing.

If you have any other questions about this penalty notice, please contact [name of enforcement authority and contact details].

✂.....

RHAN 4A | **PART 4A**

CAIS AM I LYS BARN YMDRIN Â'R TRAMGWYDD HONEDIG | **REQUEST FOR ALLEGED OFFENCE TO BE DEALT WITH BY A COURT OF LAW**

At | To

[Enw'r awdurdod gorfodi a'r cyfeiriad y dylid anfon Rhan 4A iddo]. | [Name and address at enforcement authority to which Part 4A should be sent].

Rhif yr Hysbysiad o Gosb _____ **Penalty Notice number**

Yr wyf yn dymuno i lys barn ymdrin â mi mewn cysylltiad â'r tramgwydd honedig a ddisgrifir yn Rhan 1 o'r hysbysiad hwn.

I wish to be dealt with by a court of law for the alleged offence described in Part 1 of this notice.

Enw llawn _____ **Full name**

Cyfeiriad _____ **Address**

_____

Cod post _____

Post code

Llofnod _____

Signature

Dyddiad *(dd/mm/bbbb)* _____

Date *(dd/mm/yyyy))*

Ffurflen 2-Ysmygu mewn man di-fwg.

[ENW'R AWDURDOD GORFODI]
[CYFEIRIAD YR AWDURDOD GORFODI]

DEDDF IECHYD 2006:
ADRAN 7 (Y TRAMGWYDD O YSMYGU MEWN MAN DI-FWG)

HYSBYSIAD O GOSB BENODEDIG

SWM Y GOSB BENODEDIG £50

RHAN 1: COPI'R SAWL SY'N DERBYN YR HYSBYSIAD

Rhif yr Hysbysiad o Gosb _____

Enw llawn y tramgwyddwr honedig _____

_____

Cyfeiriad y tramgwyddwr honedig _____

_____

_____

Cod post _____

Dyddiad geni (dd/mm/bbbb) ____/__/____

Rhyw *Gwryw* ☐ *Male*
Benyw ☐ *Female*

Mae gennyf i, _____, un o swyddogion awdurdodedig [enw'r awdurdod gorfodi] ,

o dan Adran 9 o Ddeddf Iechyd 2006, reswm dros gredu eich bod wedi tramgwyddo o dan Adran 7 o Ddeddf Iechyd 2006 (ysmygu mewn man di-fwg) oddi mewn i fangre, i fan neu i gerbyd y mae gan [enw'r awdurdod gorfodi] gyfrifoldebau gorfodi drosti neu drosto. Mae Adran 7(1) yn darparu bod mannau di-fwg yn cynnwys mangreoedd di-fwg a cherbydau di-fwg.

Yr amgylchiadau yr honnir eu bod yn dramgwydd yw eich bod, am *(amser (24:00))*

Form 2-Smoking in a smoke-free place.

[NAME OF ENFORCEMENT AUTHORITY]
[ADDRESS OF ENFORCEMENT AUTHORITY]

HEALTH ACT 2006: SECTION 7 (OFFENCE OF SMOKING IN A SMOKE-FREE PLACE)

FIXED PENALTY NOTICE

PENALTY AMOUNT £50

PART 1: RECIPIENT COPY

Penalty Notice number

Full name of alleged offender

Address of alleged offender

Post code

Date of birth (dd/mm/yyyy)

Sex

I, _____, an authorised officer of the [name of enforcement authority]

under section 9 of the Health Act 2006, have reason to believe that you committed an offence under section 7 of the Health Act 2006 (smoking in a smoke-free place) within a premises, place or vehicle in respect of which [name of enforcement authority] has enforcement responsibilities. Section 7(1) provides that smoke-free places include smoke-free premises and smoke-free vehicles.

The circumstances alleged to constitute the offence are that at *(time (24:00))*

o'r gloch, ar (dyddiad *(dd/mm/bbbb))*	_____	hours, on (date *(dd/mm/yyyy))*
	_____/__/_____	
yn y fangre, man neu gerbyd a ganlyn *(lle y digwyddodd y tramgwydd, gan gynnwys y cyfeiriad)*	_____	You, at/on the following premises, place or vehicle *(where alleged offence took place, including address)*
	_____	
sef mangre, man neu gerbyd yr honnir bod darpariaethau Adran 7 o Ddeddf Iechyd 2006 yn gymwys iddi neu iddo *(manylion y tramgwydd)*	_____	Being premises, a place or vehicle to which the provisions of Section 7 of the Health Act 2006 applies allegedly *(details of offence)*
	_____	

Mae'r hysbysiad hwn yn rhoi i chi'r cyfle i fodloni unrhyw atebolrwydd am gollfarn am y tramgwydd hwnnw drwy dalu cosb benodedig o **£50 (hanner can punt).** Ni fydd camau yn cael eu cymryd ynghylch y tramgwydd hwn cyn pen 29 o ddiwrnodau ar ôl dyddiad yr Hysbysiad hwn. Ni fyddwch yn agored i'ch collfarnu am y tramgwydd os byddwch yn talu'r gosb benodedig yn ystod y cyfnod o 29 o ddiwrnodau ar ôl dyddiad yr hysbysiad hwn.

Gallwch dalu swm gostyngedig o £30 (ddeg punt ar hugain) os byddwch yn talu o fewn 15 o ddiwrnodau ar ôl dyddiad yr Hysbysiad hwn.

Ceir gwybodaeth at sylw prydlon y person y dyroddir yr hysbysiad hwn o gosb iddo yn Rhan 2 o'r hysbysiad hwn. Ceir manylion ynghylch sut i dalu'r gosb benodedig hon yn Rhan 3 o'r hysbysiad hwn. Ceir manylion ynghylch sut i ofyn am wrandawiad llys mewn cysylltiad â'r tramgwydd honedig hwn yn Rhan 4 o'r hysbysiad hwn.

This notice offers you the opportunity of discharging any liability for conviction for that offence by payment of a fixed penalty of **£50 (fifty pounds)**. No proceedings will be taken for this offence before the expiration of 29 days following the date of this Notice. You will not be liable to conviction for the offence if you pay the fixed penalty during the period of 29 days from the date of this notice.

You can pay a discounted amount of £30 (thirty pounds) if you pay within 15 days from the date of this Notice.

Information for the immediate attention of the person issued this penalty notice is at Part 2 of this notice. Details about how to pay this fixed penalty is at Part 3 of this notice. Details about how to request a court hearing in relation to this alleged offence is at Part 4 of this notice.

Llofnod y swyddog awdurdodedig	_____	*Signature of authorised officer*
Dyddiad dyroddi (dd/mm/bbbb)	_____/__/_____	*Date of issue (dd/mm/yyyy))*

RHAN 2

GWYBODAETH AT SYLW PRYDLON Y PERSON Y DYRODDIR YR HYSBYSIAD HWN O GOSB IDDO:

Yr ydych wedi derbyn yr hysbysiad hwn oherwydd bod gan swyddog awdurdodedig [enw'r awdurdod gorfodi] a enwir yn Rhan 1 o'r hysbysiad hwn reswm dros gredu eich bod wedi tramgwyddo drwy ysmygu mewn man di-fwg fel a ddisgrifir yn Rhan 1. O fewn 29 o ddiwrnodau ar ôl **dyddiad dyroddi'r** hysbysiad hwn, **rhaid i chi naill ai** dalu'r gosb **neu** ofyn am wrandawiad i'r mater gerbron y llys. Ni chaniateir i chi wneud y ddau beth.

PART 2

INFORMATION FOR THE IMMEDIATE ATTENTION OF THE PERSON ISSUED WITH THIS PENALTY NOTICE:

You have received this notice because the authorised officer of [name of enforcement authority] named in Part 1 of this notice has reason to believe that you have committed the offence of smoking in a smoke-free place as described in Part 1. Within 29 days of the **date of issue** of this notice, you **must either** pay the penalty **or** request that the matter be heard by a court. You may not do both.

Os byddwch yn methu â gwneud yr un o'r ddau beth, caiff [enw'r awdurdod gorfodi], ac yntau'n awdurdod gorfodi yn rhinwedd Adran 10 o Ddeddf Iechyd 2006, ddwyn y mater gerbron y llys. Bydd person a geir yn euog o'r tramgwydd o ysmygu mewn man di-fwg yn agored ar gollfarn ddiannod i ddirwy nad yw'n fwy na lefel 1 ar y raddfa safonol, fel a bennir yn Rheoliadau Di-fwg (Cosbau a Symiau Gostyngedig) 2007.

If you fail to do either, [name of enforcement authority] as an enforcement authority by virtue of section 10 of the Health Act 2006, may pursue this matter in court. A person found guilty of the offence of smoking in a smoke-free place is liable on summary conviction to a fine not exceeding level 1 on the standard scale, as specified in the Smoke-free (Penalties and Discounted Amounts) Regulations 2007.

RHAN 3

TALU'R GOSB

Swm y gosb benodedig yw **£50 (hanner can punt)**, y mae'n rhaid ei dalu o fewn 29 o ddiwrnodau ar ôl dyddiad dyroddi'r hysbysiad hwn, fel a welir yn Rhan 1.

Gallwch dalu swm gostyngedig o **£30 (ddeg punt ar hugain)** os byddwch yn talu o fewn 15 o ddiwrnodau ar ôl dyddiad dyroddi'r hysbysiad hwn, fel a welir yn Rhan 1.

Os byddwch yn dewis talu'r gosb hon, ni chymerir camau pellach mewn cysylltiad â'r tramgwydd honedig a ddisgrifir yn Rhan 1 o'r hysbysiad hwn o gosb. Nid yw talu'r gosb yn golygu eich bod yn cyfaddef eich bod yn euog ac ni fydd yn arwain at gofnod o gollfarn droseddol yn eich erbyn.

Caniateir talu drwy lenwi Rhan 3A isod a dychwelyd Rhan 3A ynghyd â'ch taliad i'r cyfeiriad a nodir yn Rhan 3A, neu drwy lenwi Rhan 3A isod a thalu'n bersonol yn [enw a chyfeiriad yr awdurdod gorfodi]. Mae arian parod, siec, archeb bost neu archeb arian yn ddulliau derbyniol o dalu.

Dylid gwneud sieciau, archebion post neu archebion arian yn daladwy i [enw'r awdurdod gorfodi]. Os dewiswch dalu'r gosb hon mewn arian parod drwy'r post, rhaid ei anfon drwy'r post cofrestredig, a rhaid cadw prawf o fod wedi'i bostio. Os bydd arnoch angen derbynneb am dalu'r gosb, rhaid i chi ofyn amdani pan fyddwch yn talu, ac os byddwch yn talu drwy'r post rhaid i chi ddarparu amlen ac arni stamp a'ch cyfeiriad chi eich hun.

RHYBUDD: NI DDERBYNNIR TALIAD HWYR. NID ANFONIR NODYN I'CH ATGOFFA.

PART 3

PAYING THE PENALTY

The amount of the fixed penalty is **£50 (fifty pounds)**, which must be paid within 29 days of the date of issue of this notice, as shown in Part 1.

You can pay a discounted amount of **£30 (thirty pounds)** if you pay within 15 days of the date of issue of this notice, as shown in Part 1.

If you choose to pay this penalty, no further action will be taken in respect to the alleged offence described at Part 1 of this penalty notice. The payment of the penalty involves no admission of guilt and will not result in a record of criminal conviction being made against you.

Payment may be made by completing Part 3A below and returning Part 3A with payment to the address stated in Part 3A, or by completing Part 3A below and paying in person at the [name and address of enforcement authority]. Acceptable methods of payment are cash, cheque, postal order or money order.

Cheques, postal orders or money orders should be made payable to [name of enforcement authority]. If you choose to pay this penalty in cash by post, this must be sent by registered post, and a proof of posting must be retained. If you require a receipt for the payment of the penalty, you must ask for one at the time of payment, and if paying by post you must provide a stamped, self-addressed envelope.

WARNING: LATE PAYMENT WILL NOT BE ACCEPTED. YOU WILL NOT BE SENT A REMINDER.

✂.....

RHAN 3A

TALU COSB BENODEDIG A DDYRODDIR O DAN DDEDDF IECHYD 2006, ADRAN 7 (Y TRAMGWYDD O YSMYGU MEWN MAN DI-FWG)

Rhaid amgáu'r slip hwn gyda phob taliad

At

[Enw'r awdurdod gorfodi a'r cyfeiriad y dylid anfon y taliad iddo].

Rhif yr Hysbysiad o Gosb _____

PART 3A

PAYMENT OF FIXED PENALTY ISSUED UNDER HEALTH ACT 2006, SECTION 7 (OFFENCE OF SMOKING IN A SMOKE-FREE PLACE)

This slip must accompany all payments

To

[Name and address at enforcement authority where payment should be sent].

Penalty Notice number _____

Yr wyf yn amgáu'r swm o *(ticiwch y naill flwch neu'r llall)*		I enclose the amount of *(tick one box)*
(os daw'r taliad i law o fewn 15 o ddiwrnodau ar ôl dyroddi'r hysbysiad hwn o gosb)	☐ **£30**	**(if payment will be received within 15 days of the issue of this penalty notice)**
(os daw'r taliad i law o fewn 29 o ddiwrnodau ar ôl dyroddi'r hysb ysiad hwn o gosb)	☐ **£50**	**(if payment will be received within 29 days of the issue of this penalty notice)**
Enw llawn	_____	**Full name**
Cyfeiriad	_____	**Address**
Cod post	_____	**Post code**
Llofnod	_____	**Signature**
Dyddiad (dd/mm/bbbb)	_____	**Date *(dd/mm/yyyy))***

RHAN 4

GOFYN AM WRANDAWIAD LLYS

Os byddwch yn dymuno herio dyroddi'r hysbysiad hwn o gosb a chael gwrandawiad i'ch achos gerbron llys barn **rhaid i chi** lenwi Rhan 4A isod yn llawn a'i dychwelyd drwy'r post i'r cyfeiriad a nodir yn Rhan 4A o fewn 29 o ddiwrnodau ar ôl dyddiad dyroddi'r hysbysiad hwn. Mae rhaid i chi gynnwys cyfeiriad lle y gellir cyflwyno gwŷs i chi. Bydd y wŷs yn rhoi gwybod i chi pryd i fynd i'r llys ac ym mhle y mae'r llys. Dim ond y sawl sy'n derbyn yr hysbysiad hwn o gosb (y person a enwir yn Rhan 1) a gaiff ofyn am wrandawiad llys.

Os bydd gennych unrhyw gwestiynau eraill ynghylch yr hysbysiad hwn o gosb, cysylltwch os gwelwch yn dda â/ag[enw'r awdurdod gorfodi a manylion cyswllt].

PART 4

REQUESTING A COURT HEARING

If you wish to contest the issue of this penalty notice and have your case heard in a court of law you must complete Part 4A below in full and return it by post to the address stated on Part 4A within 29 days of the date of issue of this notice. You must include an address at which a summons can be served on you. The summons will tell you when and where to attend court. Only the recipient of this penalty notice (the person named at Part 1) may request a court hearing.

If you have any other questions about this penalty notice, please contact [name of enforcement authority and contact details].

✂.....

RHAN 4A | **PART 4A**

CAIS AM I LYS BARN YMDRIN Â'R TRAMGWYDD HONEDIG | **REQUEST FOR ALLEGED OFFENCE TO BE DEALT WITH BY A COURT OF LAW**

At | To

[Enw'r awdurdod gorfodi a'r cyfeiriad y dylid arfon Rhan 4 iddo]. | [Name and address at enforcement authority to which Part 4A should be sent].

Rhif yr Hysbysiad o Gosb _____ **Penalty Notice number**

Yr wyf yn dymuno i lys barn ymdrin â mi mewn cysylltiad â'r tramgwydd honedig a ddisgrifir yn Rhan 1 o'r hysbysiad hwn.

I wish to be dealt with by a court of law for the alleged offence described in part 1 of this notice.

Enw llawn _____ **Full name**

Cyfeiriad _____ **Address**

_____

Cod post _____ **Post code**

Llofnod _____ **Signature**

Dyddiad *(dd/mm/bbbb)* _____ **Date *(dd/mm/yyyy))***

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision concerning the prohibition of smoking in certain premises and vehicles pursuant to powers contained in Chapter 1 of Part 1 of the Health Act 2006.

In relation to premises they specify, in regulation 2, the meaning of "enclosed" and "substantially enclosed" for the purposes of section 2 of the Act, which provides that premises are smoke-free only in those areas which are enclosed or substantially enclosed.

They specify descriptions of premises which are not smoke-free and specify circumstances and conditions in which and times at which certain premises or areas of premises are not smoke-free (regulation 3).

The regulations also make provision for descriptions of vehicle and the circumstances in which such vehicles are to be smoke-free (regulation 4).

Regulations 5 and 6 prescribe the requirements for contents and display of no-smoking signs in premises and vehicles. They also impose a duty to display signs in relevant vehicles on operators, drivers and persons responsible for order or safety on such vehicles.

Regulation 7 imposes a duty on such operators, drivers and persons responsible for safety or order to cause persons smoking in smoke-free vehicles to stop smoking.

Regulation 8 designates county councils and county borough councils in Wales as enforcement authorities and provides for transfer of responsibility between enforcement authorities.

Regulation 9 introduces the schedule to the regulations which contains penalty notice forms to be used by enforcement authorities.

A draft of the Regulations was notified to the European Commission in accordance with Article 8 of the European Parliament and Council Directive 98/34/EC laying down a procedure for the provision of information in the field of technical standards and regulations and of rules of Information Society services (OJ No. L204, 21.7.1998, p.37), as amended by the European Parliament and Council Directive 98/48/EC (OJ No. L217, 5.8.1998, p.18).