

HEALTH ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 - Smoking

Chapter 1 - Smoke-Free Premises, Places and Vehicles

Schedule 1

This Schedule contains provisions relating to fixed penalties. Provision is made for the contents of the penalty notice, the amount of the penalty, the discounted amount and the period for payment, as well as the time given to make payment. Paragraphs 14 and 15 of the Schedule enable a person to request to be tried for the offence in court instead of paying a fixed penalty. Paragraph 16 of the Schedule makes provision in relation to withdrawal of notices.

For the offence of smoking in a smoke-free place it is intended that regulations will prescribe a fixed penalty of £50. If the person pays the penalty, he will be discharged of any liability to conviction for the offence. A discounted amount can be paid if the fixed penalty notice (FPN) is settled within 15 days. The discounted amount will be set out in regulations, but is expected to be £30.

For the offence of failing to comply with signage requirements, it is intended that regulations will prescribe a fixed penalty of £200. If the person pays the penalty, he will be discharged of any liability to conviction for the offence, and will not be taken to court. A discounted amount can be paid if the FPN is settled within 15 days. The discounted amount will be set out in regulations, but is expected to be £150.