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STATUTORY INSTRUMENTS

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**2007 No. 760**

**PUBLIC HEALTH, ENGLAND**

**The Smoke-free (Vehicle Operators  
and Penalty Notices) Regulations 2007**

<i>Made</i>	- - - -	<i>7th March 2007</i>
<i>Laid before Parliament</i>		<i>14th March 2007</i>
<i>Coming into force</i>	- -	<i>1st July 2007</i>

The Secretary of State for Health, in exercise of the powers in sections 8(3) and 79(3) of, and paragraph 4 of Schedule 1 to, the Health Act 2006<sup>(1)</sup>, makes the following Regulations:—

**Citation, commencement, application and interpretation**

1.—(1) These Regulations may be cited as the Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 and shall come into force on 1<sup>st</sup> July 2007.

(2) These Regulations apply in relation to England only.

(3) In these Regulations—

“the Act” means the Health Act 2006; and

“smoke-free vehicle” means a vehicle which is smoke-free by virtue of section 5 of the Act.

**Failing to prevent smoking in smoke-free vehicles**

2. The following persons are under a duty corresponding to that in section 8(1) of the Act to cause any person who is smoking in a smoke-free vehicle to stop smoking—

(a) the driver;

(b) any person with management responsibilities for the vehicle; and

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

**Form of fixed penalty notice**

3.—(1) The penalty notice form set out in Schedule 1 to these Regulations is specified in relation to the offence of failing to display a no smoking sign in accordance with requirements made by or under section 6 of the Act.

(2) The penalty notice form set out in Schedule 2 to these Regulations is specified in relation to the offence of smoking in a smoke-free place under section 7 of the Act.

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(1) 2006 c.28. As to the meaning of “the appropriate national authority” see section 82(1).

(3) Where either of those forms refers to the amount of a fixed penalty or to a discounted amount or to a level on the standard scale which is changed, the form shall have effect subject to the change.

(4) Nothing in this regulation or in Schedule 1 or 2 to these Regulations shall prevent an enforcement authority from—

- (a) using a notice in a size or design which differs from a specified form, provided that the content of the notice is not changed from that specified in the form (except as permitted by sub-paragraphs (b) to (d));
- (b) including information or illustrations in a notice to assist a person to whom it is given (for example, information or illustrations on how payments can be made);
- (c) including information in a notice to assist an enforcement authority in the performance of its functions under section 10(3) of the Act (enforcement) (for example, information to assist in its administrative procedures or data processing); or
- (d) including coats of arms or logos in a notice.

Signed by authority of the Secretary of State for Health

7th March 2007

*Caroline Flint*  
Minister of State for Public Health  
Department of Health

**SCHEDULE 1**

Regulation 3(1)

**PART 1  
RECIPIENT COPY**

**PART 2  
INFORMATION FOR THE IMMEDIATE ATTENTION OF THE  
PERSON WHO HAS BEEN ISSUED WITH THIS PENALTY NOTICE**

**PART 3  
PAYING THE PENALTY**

**PART 3A  
PAYMENT OF FIXED PENALTY ISSUED  
UNDER SECTION 6 OF THE HEALTH ACT 2006  
(FAILURE TO DISPLAY NO SMOKING SIGNS IN ACCORDANCE  
WITH REQUIREMENTS MADE BY OR UNDER SECTION 6)**

*This slip must accompany all payments*

**PART 4  
REQUESTING A COURT HEARING**

**PART 4A  
HEALTH ACT 2006: FAILING TO DISPLAY A  
NO SMOKING SIGN IN ACCORDANCE WITH  
REQUIREMENTS MADE BY OR UNDER SECTION 6  
REQUEST FOR ALLEGED OFFENCE TO BE DEALT WITH BY A COURT OF LAW**

**SCHEDULE 2**

Regulation 3(2)

**PART 1  
RECIPIENT COPY**

**PART 2  
INFORMATION FOR THE IMMEDIATE ATTENTION OF THE  
PERSON WHO HAS BEEN ISSUED WITH THIS PENALTY NOTICE:**

**PART 3  
PAYING THE PENALTY**

**PART 3A  
PAYMENT OF FIXED PENALTY ISSUED  
UNDER SECTION 7 OF THE HEALTH ACT 2006  
(OFFENCE OF SMOKING IN A SMOKE-FREE PLACE)**

*This slip must accompany all payments*

**PART 4  
REQUESTING A COURT HEARING**

**PART 4A  
HEALTH ACT 2006: OFFENCE OF SMOKING  
IN A SMOKE-FREE PLACE UNDER SECTION 7  
REQUEST FOR ALLEGED OFFENCE TO  
BE DEALT WITH BY A COURT OF LAW**

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**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations made under Chapter 1 of Part 1 of, and Schedule 1 to, the Health Act 2006 contain provisions which relate to smoke-free places (premises and vehicles) in England.

Regulation 2 provides that the driver, any person with management responsibilities for a smoke-free vehicle and any person on a smoke-free 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 3 and Schedules 1 and 2 set out fixed penalty forms.

Schedule 1 applies to the offence of failing to display a no smoking sign in accordance with requirements made by or under section 6 of the Act. The maximum penalty on conviction for that offence is a fine of level 3 on the standard scale (at present £1,000), the fixed penalty is £200 and the discounted amount for prompt payment is £150.

Schedule 2 applies to the offence of smoking in a smoke-free place under section 7 of the Act. The maximum penalty on conviction is a fine of level 1 on the standard scale (at present £200), the fixed penalty is £50 and the discounted amount for prompt payment is £30.

A Regulatory Impact Assessment has been prepared for these Regulations and a copy has been placed in the library of each House of Parliament. Copies can be obtained from the Smokefree Legislation Team, Room 712, Department of Health, Wellington House, 133-135 Waterloo Road, London SE1 8UG.