



STATUTORY INSTRUMENTS.

S.I. No. 594 of 2015

PROTECTION OF CHILDREN'S HEALTH (TOBACCO SMOKE IN
MECHANICALLY PROPELLED VEHICLES) (FIXED CHARGE
NOTICE) REGULATIONS 2015

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I, LEO VARADKAR, Minister for Health, in exercise of the powers conferred on me by section 5 of the Protection of Children's Health (Tobacco Smoke in Mechanically Propelled Vehicles) Act 2014 (No. 40 of 2014), hereby make the following regulations:

1. (1) These Regulations may be cited as the Protection of Children's Health (Tobacco Smoke in Mechanically Propelled Vehicles) (Fixed Charge Notice) Regulations 2015.

(2) These Regulations come into operation on 1 January 2016.

2. In these Regulations "Act" means the Protection of Children's Health (Tobacco Smoke in Mechanically Propelled Vehicles) Act 2014 (No. 40 of 2014).

3. The form set out in the Schedule is prescribed as a fixed charge notice for the purposes of section 4 (1) of the Act.

4. The amount of €100 is prescribed for the purposes of section 4 (1)(b) of the Act.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 5th January, 2016.*

Schedule

Protection of Children's Health (Tobacco Smoke in Mechanically Propelled Vehicles) Act 2014

Fixed Charge Notice in relation to an alleged Offence

Notice under section 4 of the Protection of Children's Health (Tobacco Smoke in Mechanically Propelled Vehicles) Act 2014

Date of issue: (*insert date*)

Name: (*insert name*)

Address:

..... (*insert address*)

Alleged Offence

It is alleged that you have committed an offence under section 2 of the Protection of Children's Health (Tobacco Smoke in Mechanically Propelled Vehicles) Act 2014 (*tick one*):

1. under subsection (1), by smoking a tobacco product in a mechanically propelled vehicle in a public place and in which a child (or another child if the person smoking is a child) was present, or

2. under subsection (3), by driving a mechanically propelled vehicle in which a tobacco product was being smoked in the presence of a child, where you were not smoking,

in a mechanically propelled vehicle bearing identification mark (*insert registration*) in a public place at (*insert location*) at (*insert time*) on (*insert date*).

Payment of Fixed Charge

1. In respect of the offence alleged in this notice—

(a) you may, during the period of 28 days, beginning on the date of issue of this notice, pay a fixed charge of €100, or

(b) if you do not pay that fixed charge during that period, you may, beginning on the expiration of that period, during the further period of 28 days pay a fixed charge of €150.

2. A payment of a fixed charge under this notice must be accompanied by all of this notice, fully completed, whether payment is made in person or by post, and must be made in the manner set out below.

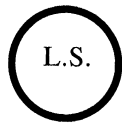
4 [594]

3. While you are not obliged to make the payment, if you fail or refuse to make a payment set out in paragraph 1(a) or 1(b) during the periods set out in those paragraphs a prosecution in respect of the alleged offence will be initiated.

Manner of Payment:

All fixed charge payments should be made to An Garda Síochána.

(insert manner of payment and where payment is to be made)



GIVEN under my Official Seal,
17 December 2015.

LEO VARADKAR,
Minister for Health.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations prescribe the form of a fixed charge notice under the Protection of Children's Health (Tobacco Smoke in Mechanically Propelled Vehicles) Act 2014 and the fixed payment payable in respect of the offences under that Act.

These Regulations may be cited as the Protection of Children's Health (Tobacco Smoke in Mechanically Propelled Vehicles) (Fixed Charge Notice) Regulations 2015 and come into operation on 1st January, 2016.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
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