
STATUTORY INSTRUMENTS

2007 No. 764

PUBLIC HEALTH, ENGLAND AND WALES

**The Smoke-free (Penalties and
Discounted Amounts) Regulations 2007**

Made - - - - 7th March 2007

Coming into force

In Wales 2nd April 2007

In England 1st July 2007

The Secretary of State for Health, in exercise of the powers conferred by sections 6(8), 7(6), 8(7) and 79(3) of, and paragraphs 5 and 8 of Schedule 1 to, the Health Act 2006⁽¹⁾ makes the following Regulations, a draft of which was laid before Parliament in accordance with section 79(4) of that Act and approved by a resolution of each House of Parliament:—

Citation, extent, commencement and interpretation

1.—(1) These Regulations may be cited as the Smoke-free (Penalties and Discounted Amounts) Regulations 2007.

(2) These Regulations extend to England and Wales.

(3) These Regulations come into force in England on 1st July 2007 and in Wales on 2nd April 2007.

(4) In these Regulations—

“level” means a level on the standard scale;

“Schedule 1” means Schedule 1 to the Health Act 2006; and

“section” means a section of that Act.

Penalties and discounted amounts

2.—(1) Level 3 is specified for the purposes of section 6(8) (no-smoking sign offences).

(2) Level 1 is specified for the purposes of section 7(6) (offence of smoking in a smoke-free place).

(3) Level 4 is specified for the purposes of section 8(7) (offence of failing to prevent smoking in a smoke-free place).

- (4) In respect of an offence alleged under section 6(5)—
 - (a) the amount of the penalty specified for the purposes of paragraph 5 of Schedule 1 is £200;
 - (b) the discounted amount specified for the purposes of paragraph 8 of Schedule 1 is £150.
- (5) In respect of an offence alleged under section 7(2)—
 - (a) the amount of the penalty specified for the purposes of paragraph 5 of Schedule 1 is £50;
 - (b) the discounted amount specified for the purposes of paragraph 8 of Schedule 1 is £30.

Signed by authority of the Secretary of State for Health

7th March 2007

Caroline Flint
Minister of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations which extend to England and Wales specify penalties and discounted amounts for the purposes of the smoking offences created by Chapter 1 of Part 1 of the Health Act 2006.

Regulation 2(1) provides that the maximum fine on conviction for an offence relating to the display of no-smoking signs is level 3 on the standard scale (currently £1000). Regulation 2(4) provides that where the fixed penalty procedure is used for an alleged offence relating to the display of no-smoking signs—

- (a) the fixed penalty is £200; and
- (b) the discounted amount is £150.

Regulation 2(2) provides that the maximum fine on conviction for an offence of smoking in a smoke-free place is level 1 on the standard scale (currently £200). Regulation 2(5) provides that where the fixed penalty procedure is used for an alleged offence of smoking in a smoke-free place—

- (a) the fixed penalty is £50; and
- (b) the discounted amount is £30.

Regulation 2(3) provides that the maximum fine on conviction for failing to prevent smoking in a smoke-free place is level 4 on the standard scale (currently £2500).

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.