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WELSH STATUTORY INSTRUMENTS

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**2020 No. 1211 (W. 273)**

**PUBLIC HEALTH, WALES**

**The Smoke-free Premises and  
Vehicles (Wales) Regulations 2020**

Made - - - - 26 October 2020

Coming into force - - 1 March 2021

The Welsh Ministers, in exercise of the powers conferred by sections 6(5), 10(6), 11(5), 15(1), 16(1), 17(1), 17(3), 18(2), 28(7) and 123(1) of, and paragraphs 5, 6 and 9 of Schedule 1 to the Public Health (Wales) Act 2017<sup>(1)</sup>, make the following Regulations.

In accordance with section 123(2) of the Public Health (Wales) Act 2017, a draft of these Regulations was laid before, and approved by, resolution of Senedd Cymru<sup>(2)</sup>.

PART 1

GENERAL

**Title, commencement and interpretation**

1.—(1) The title of these Regulations is the Smoke-free Premises and Vehicles (Wales) Regulations 2020.

(2) These Regulations come into force on 1 March 2021.

2.—(1) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Public Health (Wales) Act 2017;

“vehicle” (“*cerbyd*”) does not include—

(a) aircraft, nor

(b) a ship or hovercraft in relation to which regulations could be made under section 85 of the Merchant Shipping Act 1995<sup>(3)</sup> including that section as applied by any Order in Council under section 1(1)(h) of the Hovercraft Act 1968<sup>(4)</sup>.

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(1) 2017 anaw 2.

(2) The reference in section 123 of the Public Health (Wales) Act 2017 to the National Assembly for Wales now has effect as a reference to Senedd Cymru by virtue of section 150A(2) of the Government of Wales Act 2006 (c. 32).

(3) 1995 c. 21. Section 85 was amended by the British Overseas Territories Act 2002 (c. 8), section 2 and by the Merchant Shipping and Maritime Security Act 1997 (c. 28), section 8.

(2) Expressions used in these Regulations have the same meaning as in the Act.

**Meaning of “enclosed”, “substantially enclosed” and “not enclosed or substantially enclosed”**

3.—(1) For the purposes of Chapter 1 of Part 3 of the Act—

(a) premises, or parts of premises, are enclosed if—

(i) they have a ceiling or a roof, and

(ii) except for doors, windows and passageways, they are wholly enclosed either permanently or temporarily;

(b) a vehicle, or part of a vehicle, is enclosed if—

(i) it has a roof, and

(ii) except for doors and windows, it is wholly enclosed either permanently or temporarily.

(2) For the purposes of Chapter 1 of Part 3 of the Act, premises, or parts of premises, are substantially enclosed if—

(a) they have a ceiling or a roof, and

(b) any openings in the walls have a total area which is less than half the area of the walls, including other structures which serve the purpose of walls and constitute the perimeter of the premises.

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

(4) In this regulation, “roof” includes any fixed or moveable structure or device capable of covering all or part of the premises or vehicle as a roof.

(5) For the purposes of Chapter 1 of Part 3 of the Act, premises or parts of premises are “not enclosed or substantially enclosed” if they are not enclosed or not substantially enclosed within the meaning of paragraphs (1) and (2).

## PART 2

### SMOKE-FREE PREMISES: EXEMPTIONS AND SIGNS

#### CHAPTER 1

##### Exemptions

#### **Dwellings: exemptions**

4.—(1) Premises used to any extent as a dwelling, or part of such premises, which would (but for this regulation) be smoke-free by virtue of section 7 or 8 of the Act are to be treated as not being smoke-free unless the premises come within paragraph (2) or (5).

(2) Premises come within this paragraph if they are smoke-free because they are workplaces within section 7(2)(a) of the Act and either condition 1 or 2 is met.

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(4) 1968 c. 59. Section 1(1)(h) was amended by the Constitutional Reform Act 2005, Schedule 11 paragraph 1(2) and by the Supreme Court Act 1981 (c. 54), section 152. The Supreme Court Act 1981 was renamed the Senior Courts Act 1981 by the Constitutional Reform Act 2005 (c. 4), section 59.

(3) Condition 1 is met if one or more of the persons who work at the premises do not live in the dwelling.

(4) Condition 2 is met if the persons who work at the premises all live in the dwelling and members of the public might attend the dwelling for the purposes of seeking or receiving goods or services from a person working from the dwelling.

(5) Premises come within this paragraph if they are smoke-free because they are workplaces within section 7(2)(b) of the Act.

#### **Holiday or temporary accommodation: exemptions**

5.—(1) Premises that—

- (a) are not used to any extent as a dwelling, and
- (b) consist of self-contained residential accommodation that would (but for this regulation) be smoke-free by virtue of section 7 or 8 of the Act,

are to be treated as not being smoke-free at any time during which they are being used as accommodation for holiday or temporary purposes.

(2) Paragraph (1) ceases to have effect at the end of the period of 12 months beginning with the day on which these Regulations come into force.

#### **Adult care homes and adult hospices: designated rooms**

6.—(1) A room in premises consisting of an adult care home or an adult hospice that would (but for this regulation) be smoke-free by virtue of section 7 or 8 of the Act is to be treated as not being smoke-free if conditions 1 and 2 are met.

(2) Condition 1 is that the person in charge of the premises—

- (a) designates the room as one in which residents of the adult care home or adult hospice who are aged 18 or over (and no other persons) are permitted to smoke, and
- (b) keeps a record of all rooms that have been so designated.

(3) Condition 2 is that the room—

- (a) has a ceiling and, except for doors and windows, is completely enclosed on all sides by solid floor to ceiling walls,
- (b) does not have a ventilation system that ventilates into a smoke-free part of the premises,
- (c) does not have doors which do not mechanically close immediately after use if they open into smoke-free areas, and
- (d) is clearly marked as a room in which smoking is permitted.

(4) The person in charge of the premises may withdraw a designation at any time.

#### **Research and testing facilities: designated rooms**

7.—(1) A room in premises consisting of research and testing facilities that would (but for this regulation) be smoke-free by virtue of section 7 or 8 of the Act is to be treated as not being smoke-free if conditions 1, 2 and 3 are met.

(2) Condition 1 is that the person in charge of the premises—

- (a) designates the room as one in which smoking is permitted, and
- (b) keeps a record of all rooms that have been so designated.

(3) Condition 2 is that the room is used for tests and research which relate to—

- (a) emissions from smoking,

- (b) developing products for smoking with lower fire hazard,
  - (c) fire safety testing of materials involving products for smoking,
  - (d) development of smoking or pharmaceutical products that could result in the manufacture of less dangerous products for smoking, or
  - (e) smoking cessation programmes.
- (4) Condition 3 is that the room—
- (a) has a ceiling and, except for doors and windows, is completely enclosed on all sides by solid floor to ceiling walls,
  - (b) does not have a ventilation system that ventilates into a smoke-free part of the premises,
  - (c) does not have doors which do not mechanically close immediately after use if they open into smoke-free areas, and
  - (d) is clearly marked as a room in which smoking is permitted.
- (5) The room is to be treated as not being smoke-free only when used for the purposes of the tests and research referred to in paragraph (3).
- (6) The person in charge of the premises may withdraw a designation at any time.

#### **Mental health units: temporary exemption**

8.—(1) A room in premises consisting of a mental health unit that would (but for this regulation) be smoke-free by virtue of section 7 or 8 of the Act is to be treated as not being smoke-free if conditions 1 and 2 are met.

- (2) Condition 1 is that the person in charge of the premises—
- (a) designates the room as one in which patients of the mental health unit who are aged 18 or over (and no other person) are permitted to smoke, and
  - (b) keeps a record of all rooms that have been so designated.
- (3) Condition 2 is that the room—
- (a) has a ceiling and, except for doors and windows, is completely enclosed on all sides by solid floor to ceiling walls,
  - (b) does not have a ventilation system that ventilates into a smoke-free part of the premises,
  - (c) does not have doors which do not mechanically close immediately after use if they open into smoke-free areas, and
  - (d) is clearly marked as a room in which smoking is permitted.
- (4) The person in charge of the premises may withdraw a designation at any time.
- (5) In this regulation, “mental health unit” means premises, or part of premises, maintained wholly or mainly for the reception and treatment of persons suffering from a mental disorder as defined in section 1(2) of the Mental Health Act 1983<sup>(5)</sup> but does not include an adult care home.
- (6) Paragraphs (1) to (5) cease to have effect at the end of the period of 18 months beginning with the day on which these Regulations come into force.

#### **Hotels, guesthouses, inns, hostels and members’ clubs: temporary exemption**

9.—(1) A bedroom in premises consisting of a hotel, guesthouse, inn, hostel or members’ club that would (but for this regulation) be smoke-free by virtue of section 7 or 8 of the Act is to be treated as not being smoke-free if conditions 1 and 2 are met.

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(5) 1983 c. 20. Section 1(2) was amended by the Mental Health Act 2007 (c. 12), Schedule 10, paragraph 2.

- (2) Condition 1 is that the person in charge of the premises—
  - (a) designates the bedroom as one in which smoking is permitted, and
  - (b) keeps a record of all rooms that have been so designated.
- (3) Condition 2 is that the bedroom—
  - (a) has a ceiling and, except for doors and windows, is completely enclosed on all sides by solid floor to ceiling walls,
  - (b) does not have a ventilation system that ventilates into a smoke-free part of the premises,
  - (c) does not have doors which do not mechanically close immediately after use if they open into smoke-free areas, and
  - (d) is clearly marked as a room in which smoking is permitted.
- (4) The person in charge of the premises may withdraw a designation at any time.
- (5) Paragraphs (1) to (4) cease to have effect at the end of the period of 12 months beginning with the day on which these Regulations come into force.

#### **Grounds of schools that provide residential accommodation to pupils: designated areas**

**10.**—(1) Before an area within paragraph (2) may be designated under section 10(5) of the Act as an area in which smoking is permitted and so treated as not being smoke-free, conditions 1 and 2 must be met.

(2) An area is within this paragraph if it is an area in premises consisting of grounds that adjoin a school that provides residential accommodation to pupils that would (but for this regulation) be smoke-free by virtue of section 10 of the Act.

(3) Condition 1 is that the person in charge of the premises specifies persons or descriptions of persons (“permitted persons”) who may use the area but a child may not be specified.

(4) Condition 2 is that the area—

- (a) is no more than 8.25 square metres,
- (b) is at least 10 metres away from any other premises that are smoke-free by virtue of the Act (other than the premises within paragraph (2)), and
- (c) is clearly marked as an area in which a permitted person may smoke.

(5) The person in charge of the premises must keep a record of all of the areas which have been designated under section 10(5) of the Act and of permitted persons.

(6) The person in charge of the premises may vary or withdraw a designation at any time.

#### **Hospital grounds: designated areas**

**11.**—(1) Before an area within paragraph (2) may be designated under section 11(4) of the Act as an area in which smoking is permitted and so treated as not being smoke-free, conditions 1 and 2 must be met.

(2) An area is within this paragraph if it is an area in premises consisting of the grounds of a hospital<sup>(6)</sup> that would (but for this regulation) be smoke-free by virtue of section 11 of the Act.

(3) Condition 1 is that the person in charge of the premises specifies persons or descriptions of persons (“permitted persons”) who may use the area but a child may not be specified.

(4) Condition 2 is that the area—

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<sup>(6)</sup> “Hospital” is defined by section 28 of the Act as having the meaning given by section 206 of the National Health Service (Wales) Act 2006 (c. 42), and a mental health unit (within the meaning given by regulation 8(5)) falls within that definition.

- (a) is not more than 8.25 square metres,
  - (b) is at least 10 metres away from any other premises that are smoke-free by virtue of the Act (other than the premises within paragraph (2)), and
  - (c) is clearly marked as an area in which a permitted person may smoke.
- (5) The person in charge of the premises must keep a record of all of the areas which have been designated under section 11(4) of the Act and of permitted persons.
- (6) The person in charge of the premises may vary or withdraw a designation at any time.

### **Duty to prevent smoking in school grounds, hospital grounds and public playgrounds**

**12.** A person who controls or is concerned in the management of premises which are smoke-free by virtue of section 10 (school grounds), 11 (hospital grounds) or 12 (public playgrounds) of the Act must take reasonable steps to cause a person smoking there to stop smoking.

## CHAPTER 2

### Signs

#### **Smoke-free premises which are workplaces or open to the public: signs**

- 13.—**(1) This regulation applies to premises that are smoke-free by virtue of section 7 or 8 of the Act.
- (2) At least one sign must be displayed for the purposes of section 17(1) of the Act and it must contain a legible graphic representation of a burning cigarette enclosed in a circle with a bar across the circle which crosses the cigarette symbol.
- (3) This regulation does not apply to premises used to any extent as a dwelling.

#### **School grounds, hospital grounds, and public playgrounds: signs**

- 14.—**(1) This regulation applies to—
- (a) premises that are smoke-free by virtue of section 10 of the Act and that adjoin the school concerned (“school grounds”),
  - (b) premises that are smoke-free by virtue of section 11 of the Act (“hospital grounds”), and
  - (c) premises that are smoke-free by virtue of section 12 of the Act (“public playgrounds”).
- (2) At least one sign must be displayed at the premises for the purposes of section 17(1) of the Act and it must—
- (a) contain a legible graphic representation of a burning cigarette enclosed in a circle with a bar across the circle which crosses the cigarette symbol,
  - (b) be displayed—
    - (i) in the case of school grounds, hospital grounds and public playgrounds within clearly marked boundaries, in a prominent position at or near the main entrance, or if there is more than one main entrance, each of them, and
    - (ii) in the case of public playgrounds not within clearly marked boundaries in a prominent position near the playground, and
  - (c) include the appropriate warning text.
- (3) The “appropriate warning text” is—
- (a) for school grounds, “It is against the law to smoke in these school grounds/Mae ysmygu yn nhir yr ysgol hon yn erbyn y gyfraith”;

- (b) for hospital grounds, “It is against the law to smoke in these hospital grounds/Mae ysmygu yn nhir yr ysbyty hwn yn erbyn y gyfraith”;
- (c) for public playgrounds within clearly marked boundaries, “It is against the law to smoke in this playground/Mae ysmygu yn y maes chwarae hwn yn erbyn y gyfraith”;
- (d) for public playgrounds not within clearly marked boundaries, “It is against the law to smoke within 5 metres of this play equipment/Mae ysmygu o fewn 5 metr i’r cyfarpar chwarae hwn yn erbyn y gyfraith”.

## PART 3

### SMOKE-FREE VEHICLES

#### Smoke-free vehicles

**15.**—(1) A vehicle which is enclosed, and any part of a vehicle which is enclosed, is to be treated as being smoke-free if paragraph (2) or (3) applies.

(2) This paragraph applies if the vehicle is one that is used wholly or mainly in the course of paid or voluntary work and it is used—

- (a) by more than one person (even if the persons who use it do so at different times or intermittently), or
- (b) to transport members of the public or a section of the public.

(3) This paragraph applies if the vehicle is not within paragraph (2) and it is used—

- (a) in the course of paid or voluntary work and more than one person is present in the vehicle and one of those is present for the purpose of receiving goods or services from the person using the vehicle, or
- (b) for social, domestic or other private purposes and more than one person is present in the vehicle and one of those persons is a child.

(4) A vehicle which is smoke-free by virtue of paragraph (2) is smoke-free all the time.

(5) A vehicle which is smoke-free by virtue of paragraph (3) is smoke-free only when the vehicle is being used as described in that paragraph.

#### Smoke-free vehicles: exemptions

**16.**—(1) A vehicle is not to be treated as being smoke-free by virtue of regulation 15(3)(b) if it is a caravan or motor caravan that is—

- (a) stationary and not on a road, or
- (b) stationary, is on a road and is being used as living accommodation.

(2) In this regulation—

“caravan” (“*carafán*”) means a trailer which is designed for road use and provides mobile living accommodation;

“motor caravan” (“*carafán fodur*”) means a motor vehicle which is constructed or adapted for the carriage of passengers and their effects and which contains, as permanently installed equipment, the facilities which are reasonably necessary for enabling the vehicle to provide mobile living accommodation for its users;

“road” (“*ffordd*”) has the meaning given by section 192(1) of the Road Traffic Act 1988(7).

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(7) 1988 c. 52. The definition of “road” was amended by the Road Traffic Act 1991 (c. 40), paragraph 78 of Schedule 4.

### **Duty to prevent smoking in a smoke-free vehicle**

17. The following persons must take reasonable steps to cause a person smoking in a vehicle which is treated as being smoke-free by virtue of regulation 15 to stop smoking—

- (a) a driver or operator of a vehicle which is treated as being smoke-free by virtue of regulation 15, and
- (b) a person who is concerned in the management of such a vehicle.

### **Smoke-free vehicles: signs**

18.—(1) The driver, operator and person who is concerned in the management of a vehicle which is treated as a smoke-free vehicle by virtue of regulation 15(2) must make sure that a sign is displayed in the vehicle in accordance with paragraph (2).

(2) The sign must contain a legible graphic representation of a burning cigarette enclosed in a circle with a bar across the circle which crosses the cigarette symbol.

## **PART 4**

### **ENFORCEMENT**

#### **Enforcement authority: police**

19. The chief officer of police for a police area is authorised to act as an enforcement authority in relation to vehicles in its area that are smoke-free by virtue of regulation 15(3)(b) (vehicles being used for social, domestic or other private purposes where a child is present).

#### **Fixed penalty amounts**

20. The fixed penalty amounts specified for the purposes of paragraph 6 of Schedule 1 to the Act are—

- (a) in respect of an offence under section 17(5) of the Act (offence of failing to display a sign), £200,
- (b) in respect of an offence under section 5(1) of the Act (offence of smoking in smoke-free premises or in a smoke-free vehicle), £100, and
- (c) in respect of an offence under section 6(6) of the Act in relation to a vehicle being used for the purposes mentioned in section 27(4) of the Act (offence of failing to prevent smoking in vehicle being used for social, domestic or other private purposes where a child is present), £100.

#### **Fixed penalty amounts: discounted amounts**

21. The discounted amounts specified for the purposes of paragraph 9 of Schedule 1 to the Act are—

- (a) in respect of an offence under section 17(5) of the Act (offence of failing to display a sign), £150,
- (b) in respect an offence under section 5(1) of the Act (offence of smoking in smoke-free premises or in a smoke-free vehicle), £75, and
- (c) in respect of an offence under section 6(6) of the Act in relation to a vehicle being used for the purposes mentioned in section 27(4) of the Act (offence of failing to prevent smoking in



vehicle being used for social, domestic or other private purposes where a child is present), £75.

### **Form of fixed penalty notices**

**22.**—(1) A fixed penalty notice must be in the form set out in Schedule 1 in respect of an offence under section 17(5) of the Act (offence of failing to display a sign).

(2) A fixed penalty notice must be in the form set out in Schedule 2 in respect of an offence under—

- (a) section 5(1) of the Act (offence of smoking in a smoke-free vehicle or in smoke-free premises), and
- (b) section 6(6) of the Act (offence of failing to prevent smoking in vehicle being used for social, domestic or other private purposes where a child is present).

(3) Paragraphs (1) and (2) do not prevent an enforcement authority from including on a fixed penalty notice form—

- (a) information about the method of payment,
- (b) information to facilitate financial and administrative processing of the forms, and
- (c) coats of arms, logos or other devices to represent the authority.

## **PART 5**

### **CONSEQUENTIAL AMENDMENTS AND REVOCATIONS**

#### **Amendment of the Smoke-free (Penalties and Discounted Amounts) Regulations 2007**

**23.**—(1) The Smoke-free (Penalties and Discounted Amounts) Regulations 2007<sup>(8)</sup> are amended as follows.

(2) In regulation 1—

- (a) for paragraph (2), substitute—

“(2) These regulations only apply to premises, places and vehicles in England.”;

- (b) in paragraph (3), omit “and in Wales on 2nd April 2007”.

#### **Amendment of the Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2018**

**24.** Omit paragraph 16 of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2018<sup>(9)</sup>.

#### **Revocations**

**25.** The following regulations are revoked—

- (a) the Smoke-free Premises etc. (Wales) Regulations 2007<sup>(10)</sup>;
- (b) the Smoke-free Premises etc. (Wales) (Amendment) Regulations 2015<sup>(11)</sup>;

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<sup>(8)</sup> S.I. 2007/764.

<sup>(9)</sup> S.I. 2018/48 (W. 15).

<sup>(10)</sup> S.I. 2007/787 (W. 68).

<sup>(11)</sup> S.I. 2015/1363 (W. 133).

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(c) the Smoke-free Premises etc. (Wales) (Amendment) Regulations 2016<sup>(12)</sup>.

26 October 2020

*Eluned Morgan*  
Minister for Mental Health, Wellbeing and  
Welsh Language, one of the Welsh Ministers

## SCHEDULES

### SCHEDULE 1

Regulation 22(1)

Ffurflen Hysbysiad Cosb Benodedig  
Methu ag arddangos arwyddion yn unol â  
rheoliadau a wnaed o dan adran 17.

Fixed Penalty Notice Form  
Failing to display signs in accordance with  
regulations made under section 17.

[ENW'R AWDURDOD GORFODI]

[NAME OF ENFORCEMENT AUTHORITY]

[CYFEIRIAD YR AWDURDOD GORFODI]

[ADDRESS OF ENFORCEMENT  
AUTHORITY]

DEDDF IECHYD Y CYHOEDD (CYMRU)  
2017:

PUBLIC HEALTH (WALES) ACT 2017:

ADRAN 17 (METHU AG ARDDANGOS  
ARWYDDION YN UNOL Â RHEOLIADAU  
A WNAED GAN NEU O DAN ADRAN 17)

SECTION 17 (FAILING TO DISPLAY  
SIGNS IN ACCORDANCE WITH  
REGULATIONS MADE BY OR UNDER  
SECTION 17)

HYSBYSIAD COSB BENODEDIG

FIXED PENALTY NOTICE

SWM Y GOSB £200

PENALTY AMOUNT £200

**RHAN 1:**

**PART 1:**

COPI'R DERBYNNYDD

RECIPIENT COPY

Rhif yr hysbysiad cosb \_\_\_\_\_  
benodedig

Fixed penalty notice number

Enw llawn y troseddwr  
honedig \_\_\_\_\_

Full name of alleged offender

Cyfeiriad y troseddwr  
honedig \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Address of alleged offender

Cod post \_\_\_\_\_

Post code

Dyddiad geni (os yw'n hysbys) \_\_\_\_\_

Date of birth (if known)

Mae gennyf i,  
\_\_\_\_\_  
, un o swyddogion  
awdurdodedig [enw'r awdurdod

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

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gorfodi] yn rhinwedd adran 18 o Ddeddf Iechyd y Cyhoedd (Cymru) 2017, reswm dros gredu ichi gyflawni trosedd o dan adran 17 o Ddeddf Iechyd y Cyhoedd (Cymru) 2017 (methu ag arddangos arwyddion yn unol â rheoliadau a wnaed o dan adran 17) mewn mangre neu gerbyd y mae gan [enw'r awdurdod gorfodi] gyfrifoldebau gorfodi mewn cysylltiad â hi neu ag ef.

by virtue of section 18 of the Public Health (Wales) Act 2017, have reason to believe that you committed an offence under section 17 of the Public Health (Wales) Act 2017 (failing to display signs in accordance with regulations made under section 17) within premises or vehicle in respect of which [name of enforcement authority] has enforcement responsibilities.

Yr amgylchiadau yr honnir eu bod yn drosedd yw eich bod chi, am (amser)

The circumstances alleged to constitute the offence are that at (time)

o'r gloch, ar (dyddiad)

hours, on (date)

yn y fangre neu'r cerbyd a ganlyn (lle y digwyddodd y drosedd honedig, gan gynnwys y cyfeiriad)

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

sef mangre neu gerbyd y mae adran 17 o Ddeddf Iechyd y Cyhoedd (Cymru) 2017 yn gymwys iddi neu iddo (manylion y drosedd)

being premises or a vehicle to which section 17 of the Public Health (Wales) Act 2017 applies allegedly (details of offence)

Mae'r hysbysiad hwn yn rhoi'r cyfle ichi i ryddhau unrhyw atebolrwydd am euogfarn am y drosedd honno drwy dalu cosb benodedig o £200 (dau gan punt). Ni ddygir achos am y drosedd hon cyn diwedd 29 o ddiwrnodau sy'n dechrau â (y dyddiad y rhoddir 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 end of 29 days beginning with (the date on which this notice is given).

Ni fyddwch yn agored i euogfarn am y drosedd os byddwch yn talu'r gosb benodedig o fewn y cyfnod hwnnw. Yn y ffurflen hon, cyfeirir at y cyfnod hwn fel y cyfnod 29 o ddiwrnodau.

You will not be liable to conviction for the offence if you pay the fixed penalty within that period. In this form, this period is referred to as the 29 day period.

Gallwch dalu swm gostyngol o £150 (cant a hanner o bunnoedd) os byddwch yn talu o fewn 15 niwrnod sy'n dechrau â (y dyddiad y rhoddir yr hysbysiad hwn).

You can pay a discounted amount of £150 (one hundred and fifty pounds) if you pay within 15 days beginning with (date on which this notice is given).

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Os nad yw'r 15fed diwrnod yn ddiwrnod gwaith, cewch dalu ar y diwrnod gwaith nesaf. Ystyr "diwrnod gwaith" yw unrhyw ddiwrnod nad yw'n ddydd Sadwrn, dydd Sul, Dydd Nadolig, Dydd Gwener y Groglith nac yn ddiwrnod sy'n wyl banc yng Nghymru a Lloegr o dan Ddeddf Bancio a Thrafodion Ariannol 1971. Yn y ffurflen hon, cyfeirir at y cyfnod hwn fel y cyfnod 15 niwrnod.

If the 15th day is not a working day, you may pay on the next working day. "Working day" means any day which is not Saturday, Sunday, Christmas Day, Good Friday or a day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971. In this form, this period is referred to as the 15 day period.

Ceir gwybodaeth at sylw di-oed y person y dyroddwyd yr hysbysiad cosb benodedig hwn 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 wrandawriad llys mewn perthynas â'r drosedd honedig hon yn Rhan 4 o'r hysbysiad hwn.

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

**Os oes gennych unrhyw gwestiynau, neu os ydych yn dymuno trafod yr hysbysiad hwn, cysylltwch â: [enw a chyfeiriad yr awdurdod gorfodi a manylion cyswllt].**

**If you have any questions, or if you wish to discuss this notice, please contact [name and address of enforcement authority and contact details].**

Llofnod y swyddog  
awdurdodedig

\_\_\_\_\_

*Signature of authorised officer*

Dyddiad dyroddi (dd/mm/yyyy)

\_\_\_\_\_

*Date of issue (dd/mm/yyyy)*

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**Rhan 2**

**Part 2**

**GWYBODAETH AT SYLW DI-OED Y PERSON Y DYRODDWYD YR HYSBYSIAD HWN IDDO:**

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

Rydych wedi cael yr hysbysiad hwn oherwydd bod gan swyddog awdurdodedig [enw'r awdurdod gorfodi] a enwir yn Rhan 1 o'r hysbysiad hwn reswm dros greu eich bod wedi cyflawni'r drosedd o fethu ag arddangos arwyddion yn unol â rheoliadau a wnaed o dan adran 17 o Ddeddf Iechyd y Cyhoedd (Cymru) 2017 fel y'i disgrifir yn Rhan 1. O fewn y **cyfnod 29 o ddiwrnodau a bennir yn Rhan 1, rhaid ichi naill ai talu'r gosb neu ofyn bod llys yn gwrandao ar y mater.** Ni chewch wneud y ddau beth.

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 signs in accordance with regulations made under section 17 of the Public Health (Wales) Act 2017 as described in Part 1. Within the **29 day period specified in Part 1, 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 y naill neu'r llall, caiff [enw'r awdurdod gorfodi], ac yntau'n awdurdod gorfodi yn rhinwedd adran 18 o Ddeddf Iechyd y Cyhoedd (Cymru) 2017, ddwyn y mater hwn gerbron llys. Mae person a ddyfernir yn euog o'r drosedd o fethu ag arddangos arwyddion yn unol â rheoliadau a wnaed o dan adran 17 o Ddeddf Iechyd y Cyhoedd (Cymru) 2017 yn agored ar euogfarn ddiannod i ddirwy nad yw'n uwch na lefel 3 ar y raddfa safonol.

If you fail to do either, [name of enforcement authority] as an enforcement authority by virtue of section 18 of the Public Health (Wales) Act 2017, may pursue this matter in court. A person found guilty of the offence of failing to display signs in accordance with regulations made under section 17 of the Public Health (Wales) Act 2017 is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

**Rhan 3**

**Part 3**

**TALU'R GOSB**

**PAYING THE PENALTY**

Swm y gosb benodedig yw **£200 (dau gan punt)**. Rhaid ei dalu o fewn y cyfnod 29 o ddiwrnodau a bennir yn Rhan 1.

The amount of the fixed penalty is **£200 (two hundred pounds)**. It must be paid within the 29 day period which is specified in Part 1.

Gallwch dalu swm gostyngol o **£150 (cant a hanner o bunnoedd)** os byddwch yn talu o fewn y cyfnod 15 niwrnod a bennir yn Rhan 1.

You can pay a discounted amount of **£150 (one hundred and fifty pounds)** if you pay within the 15 day period which is specified in Part 1.

Os byddwch yn dewis talu'r gosb benodedig hon, ni chymerir unrhyw gamau pellach mewn cysylltiad â'r drosedd honedig a ddisgrifir yn Rhan 1 o'r hysbysiad hwn. Nid yw talu'r gosb yn golygu eich bod yn cyfaddef eich bod yn euog ac ni fydd yn arwain at gofnod o euogfarn droseddol yn eich erbyn. Caniateir talu drwy gwblhau Rhan 3A isod a'i hanfon ynghyd â thaliad i'r cyfeiriad a nodir yn y Rhan honno, neu drwy gwblhau Rhan 3A isod a thalu'n bersonol yn [enw a chyfeiriad yr awdurdod gorfodi].

If you choose to pay this fixed penalty, no further action will be taken in respect of the alleged offence described at Part 1 of this 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 sending it with payment to the address stated in that Part, or by completing Part 3A below and paying in person at [name and address of enforcement authority].

Mae'r dulliau talu derbyniol yn cynnwys arian parod, sicc, archeb bost neu archeb arian, neu daliad ar-lein yn y cyfeiriad gwe a ganlyn [cyfeiriad ar gyfer gwneud taliadau ar-lein]. Dylid gwneud sicciau, archebion post neu archebion arian yn daladwy i [enw'r awdurdod gorfodi]. Os byddwch yn dewis talu'r gosb benodedig hon mewn arian parod drwy'r post, rhaid ei anfon drwy'r post cofrestredig, a rhaid cadw prawf o bostio. Os bydd amoch angen derbynneb am dalu'r gosb, rhaid ichi ofyn amdani pan fyddwch yn talu, ac os byddwch yn talu drwy'r post, rhaid ichi ddarparu amlen ac arni stamp a'ch cyfeiriad eich hun.

Acceptable methods of payment include cash, cheque, postal order or money order or online at the following web address [address for making online payments]. Cheques, postal orders or money orders should be made payable to [name of enforcement authority]. If you choose to pay this fixed penalty in cash by post, this must be sent by registered post, and 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.

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

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

**Rhan 3A**

**Part 3A**

**TALU COSB BENODEDIG A DDYRODDWYD O DAN ADRAN 27 O DDEDDF IECHYD Y CYHOEDD (CYMRU) 2017 MEWN CYSYLLTIAD Â THROSEDD O DAN ADRAN 17(5) O'R DDEDDF HONNO (METHU AG ARDDANGOS ARWYDDION YN UNOL Â RHEOLIADAU A WNAED O DAN ADRAN 17)**

**PAYMENT OF FIXED PENALTY ISSUED UNDER SECTION 27 OF THE PUBLIC HEALTH (WALES) ACT 2017 IN RESPECT OF AN OFFENCE UNDER SECTION 17(5) OF THAT ACT (FAILING TO DISPLAY SIGNS IN ACCORDANCE WITH REGULATIONS MADE UNDER SECTION 17)**

*Rhaid amgáu'r slip hwn gyda phob taliad*  
[Enw'r awdurdod gorfodi a'r \_\_\_\_\_

*This slip must accompany all payments*  
[Name and address at \_\_\_\_\_

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cyfeiriad lle y dylid anfon y taliad]

enforcement authority where payment should be sent]

**Rhif yr hysbysiad cosb benodedig**

\_\_\_\_\_

**Fixed penalty notice number**

Rwyf yn amgáu'r swm o:  
(*ticiwch un blwch*)

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

(os gwneir y taliad o fewn y cyfnod 15 niwrnod a bennir yn Rhan 1)

**£150**

(if the payment is made within the 15 day period specified in Part 1)

(os gwneir y taliad o fewn y cyfnod 29 o ddiwrnodau a bennir yn Rhan 1)

**£200**

(if the payment is made within the 29 day period specified in Part 1)

Enw llawn y troseddwr honedig

\_\_\_\_\_

Full name of the alleged offender

Cyfeiriad y troseddwr honedig

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Address of the alleged offender

Cod post

\_\_\_\_\_

Post code

Llofnod

\_\_\_\_\_

Signature

Dyddiad (*dd/mm/yyyy*)

\_\_\_\_\_

Date (*dd/mm/yyyy*)



**RHAN 4**

**PART 4**

**GOFYN AM WRANDAWIAD LLYS**

**REQUESTING A COURT HEARING**

Os byddwch yn dewis gofyn am wrandawriad llys, **rhaid** ichi wneud hynny o fewn y cyfnod 29 o ddiwrnodau drwy gwblhau Rhan 4A a'i hanfon at [enw'r awdurdod gorfodi], neu drwy ysgrifennu at [enw'r awdurdod gorfodi] yn y cyfeiriad a nodir yn Rhan 4A, gan roi eich manylion, rhif yr hysbysiad cosb benodedig (a geir yn Rhan 1 o'r hysbysiad hwn) a chyfeiriad lle y gellir cyflwyno gwys ichi. Bydd yr wys yn rhoi gwybod ichi pryd i fynd i'r llys ac ym mhle y mae'r llys. Dim ond derbynnydd yr hysbysiad hwn (y person a enwir yn Rhan 1) a gaiff ofyn am wrandawriad llys.

If you choose to request a court hearing, you **must** do so within the 29 day period by completing Part 4A and sending it to [name of enforcement authority], or by writing to [name of enforcement authority] at the address stated in Part 4A, giving your details, the fixed penalty notice number (which can be found in Part 1 of this notice) and 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 notice (the person named at Part 1) may request a court hearing.

**Rhan 4A**

**Part 4A**

**DEDDF IECHYD Y CYHOEDD (CYMRU) 2017:  
METHU AG ARDDANGOS ARWYDDION  
YN UNOL Â RHEOLIADAU A WNAED O  
DAN ADRAN 17**

**PUBLIC HEALTH (WALES) ACT 2017:  
FAILING TO DISPLAY SIGNS IN  
ACCORDANCE WITH REGULATIONS  
MADE UNDER SECTION 17**

**CAIS I LYS BARN YMDRIN Â THROSEDD  
HONEDIG**

**REQUEST FOR ALLEGED OFFENCE TO  
BE DEALT WITH BY A COURT OF LAW**

At  
[Enw'r awdurdod gorfodi a'r  
cyfeiriad y dylid anfon Rhan 4  
iddo].

To  
[Name and address at  
enforcement authority to which  
Part 4 should be sent]

**Rhif yr hysbysiad cosb  
benodedig**

**Fixed penalty notice number**

Rwyf yn dymuno i lys barn ymdrin â mi mewn  
cysylltiad â'r drosedd honedig.

I wish to be dealt with by a court of law for the  
alleged offence.

**Enw llawn y troseddwr  
honedig**

**Full name of alleged offender**

**Cyfeiriad y troseddwr  
honedig**

**Address of alleged offender**

**Cod post**

**Post code**

**Llofnod**

**Signature**

**Dyddiad**

**Date**

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SCHEDULE 2

Regulation 22(2)

Ffurflen Hysbysiad Cosb Benodedig  
Ysmygu mewn mangre ddi-fwg neu mewn cerbyd di-fwg.  
Methu ag atal ysmygu mewn cerbyd sy'n cael ei ddefnyddio at ddibenion cymdeithasol, domestig neu ddibenion preifat eraill pan fo plentyn yn bresennol.

Fixed Penalty Notice Form  
Smoking in smoke-free premises or in a smoke-free vehicle.  
Failing to prevent smoking in a vehicle being used for social, domestic or other private purposes where a child is present.

[ENW'R AWDURDOD GORFODI]

[NAME OF ENFORCEMENT AUTHORITY]

[CYFEIRIAD YR AWDURDOD GORFODI]

[ADDRESS OF ENFORCEMENT AUTHORITY]

**DEDDF IECHYD Y CYHOEDD (CYMRU) 2017:**

**PUBLIC HEALTH (WALES) ACT 2017:**

**ADRAN 5(1) (YSMYGU MEWN MANGRE DDI-FWG NEU MEWN CERBYD DI-FWG)**

**SECTION 5(1) (SMOKING IN SMOKE-FREE PREMISES OR IN A SMOKE-FREE VEHICLE)**

**ADRAN 6(6) (METHU AG ATAL YSMYGU MEWN CERBYD SY'N CAEL EI DDEFNYDDIO AT DDIBENION CYMDEITHASOL, DOMESTIG NEU DDIBENION PREIFAT ERAILL PAN FO PLENTYN YN BRESENNOL)**

**SECTION 6(6) (FAILING TO PREVENT SMOKING IN A VEHICLE BEING USED FOR SOCIAL, DOMESTIC OR OTHER PRIVATE PURPOSES WHERE A CHILD IS PRESENT)**

**HYSBYSIAD COSB BENODEDIG**

**FIXED PENALTY NOTICE**

**SWM Y GOSB £100**

**PENALTY AMOUNT £100**

**RHAN 1:**

**PART 1:**

**COPI'R DERBYNNYDD**

**RECIPIENT COPY**

**Rhif yr hysbysiad cosb benodedig** \_\_\_\_\_

**Fixed penalty notice number**

**Enw llawn y troseddwr honedig** \_\_\_\_\_

**Full name of alleged offender**

**Cyfeiriad y troseddwr honedig** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Address of alleged offender**

**Cod post** \_\_\_\_\_

**Post code**

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Dyddiad geni (os yw'n hysbys)	_____	Date of birth (if known)
Mae gennyf i,	_____	I,
, un o swyddogion awdurdodedig [enw'r awdurdod gorfodi] yn rhinwedd adran 18 o Ddeddf Iechyd y Cyhoedd (Cymru) 2017, reswm dros gredu ichi gyflawni trosedd o dan: <i>(ticiwch un blwch)</i>	_____	, an authorised officer of the [name of enforcement authority] by virtue of section 18 of the Public Health (Wales) Act 2017, have reason to believe that you committed an offence under: <i>(tick one box)</i>
adran 5(1) o Ddeddf Iechyd y Cyhoedd (Cymru) 2017 (ysmygu mewn mangre ddi-fwg neu mewn cerbyd di-fwg), neu	<input type="checkbox"/>	section 5(1) of the Public Health (Wales) Act 2017 (smoking in smoke-free premises or in a smoke-free vehicle), or
adran 6(6) o Ddeddf Iechyd y Cyhoedd (Cymru) 2017 (methu ag atal ysmegu mewn cerbyd sy'n cael ei ddefnyddio at ddibenion cymdeithasol, domestig neu breifat pan fo plentyn yn bresennol)	<input type="checkbox"/>	section 6(6) of the Public Health (Wales) Act 2017 (failing to prevent smoking in a vehicle being used for social, domestic or private purposes where a child is present)
mewn mangre neu gerbyd y mae gan [enw'r awdurdod gorfodi] gyfrifoldebau gorfodi mewn perthynas ag ef.		within premises or vehicle in relation to which [name of enforcement authority] has enforcement responsibilities.
Amgylchiadau'r drosedd honedig yw eich bod chi, am <i>(amser)</i>	_____	The circumstances of the alleged offence are that at <i>(time)</i>
o'r gloch, ar <i>(dyddiad)</i>	_____	hours, on <i>(date)</i>
yn y fangre neu'r cerbyd a ganlyn <i>(lle y digwyddodd y drosedd honedig, gan gynnwys y cyfeiriad os oes un)</i>	_____ _____ _____	you, at/on the following premises or vehicle <i>(where alleged offence took place, including address, if any)</i>
sef mangre neu gerbyd y mae darpariaethau adran 5(1) neu 6(6) o Ddeddf Iechyd y Cyhoedd (Cymru) 2017 yn gymwys iddi neu iddo <i>(manylion y drosedd)</i>	_____ _____ _____	being premises or vehicle to which the provisions of section 5(1) or 6(6) of the Public Health (Wales) Act 2017 apply, allegedly <i>(details of the offence)</i>

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Mae'r hysbysiad hwn yn rhoi'r cyfle ichi i ryddhau unrhyw atebolrwydd am euogfarn am y drosedd honno drwy dalu cosb benodedig o **£100 (canpunt)**. Ni ddygir achos am y drosedd hon cyn diwedd 29 o ddiwrnodau sy'n dechrau â (y dyddiad y rhoddir 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 **£100 (one hundred pounds)**. No proceedings will be taken for this offence before the end of 29 days beginning with (date on which this notice is given).

Ni fyddwch yn agored i euogfarn am y drosedd os byddwch yn talu'r gosb benodedig o fewn y cyfnod hwnnw. Yn y ffurflen hon, cyfeirir at y cyfnod hwn fel y cyfnod 29 o ddiwrnodau.

You will not be liable to conviction for the offence if you pay the fixed penalty within that period. In this form, this period is referred to as the 29 day period.

**Gallwch dalu swm gostyngol o £75 (pymtheg a thrigain o bunnoedd) os byddwch yn talu o fewn y cyfnod o 15 niwrnod sy'n dechrau â (y dyddiad y rhoddir yr hysbysiad hwn).**

**You can pay a discounted amount of £75 (seventy five pounds) if you pay within the period of 15 days beginning with (date on which this notice is given).**

Os nad yw'r 15fed diwrnod yn ddiwrnod gwaith, cewch dalu ar y diwrnod gwaith nesaf. Ystyr "diwrnod gwaith" yw unrhyw ddiwrnod nad yw'n ddydd Sadwrn, dydd Sul, Dydd Nadolig, Dydd Gwener y Groglith nac yn ddiwrnod sy'n ŵyl banc yng Nghymru a Lloegr o dan Ddeddf Bancio a Thrafodion Ariannol 1971. Yn y ffurflen hon, cyfeirir at y cyfnod hwn fel y cyfnod 15 niwrnod.

If the 15th day is not a working day, you may pay on the next working day. "Working day" means any day which is not Saturday, Sunday, Christmas Day, Good Friday or a day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971. In this form, this period is referred to as the 15 day period.

Ceir gwybodaeth at sylw di-oed y person y dyroddwyd yr hysbysiad cosb benodedig hwn 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 wrandawriad llys mewn perthynas â'r drosedd honedig hon yn Rhan 4 o'r hysbysiad hwn. **Os oes gennych unrhyw gwestiynau, neu os ydych yn dymuno trafod yr hysbysiad hwn, cysylltwch â: [enw a chyfeiriad yr awdurdod gorfodi a manylion cyswllt].**

Information for the immediate attention of the person who has been issued this fixed penalty notice is at Part 2 of this notice. Details about how to pay this fixed penalty are at Part 3 of this notice. Details about how to request a court hearing in relation to this alleged offence are at Part 4 of this notice. **If you have any questions, or if you wish to discuss this notice, please contact [name and address of enforcement authority and contact details].**

Llofnod y swyddog awdurdodedig

Signature of authorised officer

Dyddiad dyroddi (dd/mm/yyyy)

Date of issue (dd/mm/yyyy)

## Rhan 2

## Part 2

### **GWYBODAETH AT SYLW DI-OED Y PERSON Y DYRODDWYD YR HYSBYSIAD HWN IDDO:**

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

Rydych wedi cael 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 cyflawni'r drosedd o:

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:

- i. ysmegu mewn mangre ddi-fwg neu mewn cerbyd di-fwg; neu
- ii. methu ag atal ysmegu mewn cerbyd sy'n cael ei ddefnyddio at ddibenion cymdeithasol, domestig neu ddibenion preifat eraill pan fo plentyn yn bresennol,

- i. smoking in smoke-free premises or in a smoke-free vehicle; or
- ii. failing to prevent smoking in a vehicle being used for social, domestic or other private purposes where a child is present,

fel y'i disgrifir yn Rhan 1. O fewn y **cyfnod 29 o ddiwrnodau a bennir yn Rhan 1, rhaid ichi naill ai talu'r gosb neu ofyn bod llys yn gwrandao ar y mater. Ni chewch wneud y ddau beth.**

as described in Part 1. Within the **29 day period specified in Part 1, 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 y naill neu'r llall, caiff [enw'r awdurdod gorfodi], ac yntau'n awdurdod gorfodi yn rhinwedd adran 18 o Ddeddf Iechyd y Cyhoedd (Cymru) 2017, ddwyn y mater hwn gerbron llys. Mae person a ddyfernir yn euog o'r drosedd o ysmegu mewn man di-fwg yn agored ar euogfarn ddiannod i ddirwy nad yw'n uwch na lefel 1 ar y raddfa safonol. Mae person a ddyfernir yn euog o'r drosedd o fethu ag atal ysmegu mewn cerbyd sy'n cael ei ddefnyddio at ddibenion cymdeithasol, domestig neu ddibenion preifat eraill pan fo plentyn yn bresennol yn agored ar euogfarn ddiannod i ddirwy nad yw'n uwch na lefel 4 ar y raddfa safonol.

If you fail to do either, [name of enforcement authority] as an enforcement authority by virtue of section 18 of the Public Health (Wales) Act 2017, 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. A person found guilty of the offence of failing to prevent smoking in a vehicle being used for social, domestic or other private purposes where a child is present is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

## Rhan 3

## Part 3

### **TALU'R GOSB**

### **PAYING THE PENALTY**

Swm y gosb benodedig yw **£100 (canpunt)**. Rhaid ei dalu o fewn y cyfnod 29 o ddiwrnodau a bennir yn Rhan 1.

The amount of the fixed penalty is **£100 (one hundred pounds)**. It must be paid within the 29 day period which is specified in Part 1.

Gallwch dalu swm gostyngol o **£75 (pymtheg a thrigain o bunnoedd)** os byddwch yn talu o fewn y cyfnod 15 niwrnod a bennir yn Rhan 1.

You can pay a discounted amount of **£75 (seventy five pounds)** if you pay within the 15 day period which is specified in Part 1.

Os byddwch yn dewis talu'r gosb benodedig hon,

If you choose to pay this fixed penalty, no further

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ni chymerir unrhyw gamau pellach mewn cysylltiad â'r drosedd honedig a ddisgrifir yn Rhan 1 o'r hysbysiad hwn. Nid yw talu'r gosb yn golygu eich bod yn cyfaddef eich bod yn euog ac ni fydd yn arwain at gofnod o euogfarn droseddol yn eich erbyn. Caniateir talu drwy gwblhau Rhan 3A isod a'i hanfon ynghyd â thaliad i'r cyfeiriad a nodir yn y Rhan honno, neu drwy gwblhau Rhan 3A isod a thalu'n bersonol yn [enw a chyfeiriad yr awdurdod gorfodi].

Mae'r dulliau talu derbyniol yn cynnwys arian parod, siec, archeb bost neu archeb arian, neu daliad ar-lein yn y cyfeiriad gwe a ganlyn [cyfeiriad ar gyfer gwneud taliadau ar-lein]. Dylid gwneud sieciau, archebion post neu archebion arian yn daladwy i [enw'r awdurdod gorfodi]. Os byddwch yn dewis talu'r gosb benodedig hon mewn arian parod drwy'r post, rhaid ei anfon drwy'r post cofrestredig, a rhaid cadw prawf o bostio. Os bydd arnoch angen derbynneb am dalu'r gosb, rhaid ichi ofyn amdani pan fyddwch yn talu, ac os byddwch yn talu drwy'r post, rhaid ichi ddarparu amlen ac arni stamp a'ch cyfeiriad eich hun.

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

**Rhan 3A**

**TALU COSB BENODEDIG A  
DDYRODDWYD O DAN ADRAN 27 O  
DDEDDF IECHYD Y CYHOEDD (CYMRU)  
2017 MEWN CYSYLLTIAD Â THROSEDD  
O DAN:  
ADRAN 5(1) (YSMYGU MEWN MANGRE  
DDI-FWG NEU MEWN CERBYD DI-FWG)  
O'R DDEDDF HONNO**

**NEU**

**ADRAN 6(6) (METHU AG ATAL YSMYGU  
MEWN CERBYD SY'N CAEL EI  
DDEFNYDDIO AT DDIBENION  
CYMDEITHASOL, DOMESTIG NEU  
DDIBENION PREIFAT ERAILL PAN FO  
PLENTYN YN BRESENNOL) O'R DDEDDF  
HONNO**

*Rhaid amgáu'r slip hwn gyda phob taliad*

At  
[Enw'r awdurdod gorfodi a'r  
cyfeiriad lle y dylid anfon y  
taliad]

action will be taken in respect of the alleged offence described at Part 1 of this 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 sending it with payment to the address stated in that Part, or by completing Part 3A below and paying in person at [name and address of enforcement authority].

Acceptable methods of payment include cash, cheque, postal order or money order or online at the following web address [address for making online payments]. Cheques, postal orders or money orders should be made payable to [name of enforcement authority]. If you choose to pay this fixed penalty in cash by post, this must be sent by registered post, and 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.**

**Part 3A**

**PAYMENT OF FIXED PENALTY ISSUED  
UNDER SECTION 27 OF THE PUBLIC  
HEALTH (WALES) ACT 2017 IN RESPECT  
OF AN OFFENCE UNDER:**

**SECTION 5(1) (SMOKING IN A SMOKE-  
FREE PREMISES OR IN A SMOKE-FREE  
VEHICLE) OF THAT ACT**

**OR**

**SECTION 6(6) (FAILING TO PREVENT  
SMOKING IN A VEHICLE BEING USED  
FOR FOR SOCIAL, DOMESTIC OR  
OTHER PRIVATE PURPOSES WHERE A  
CHILD IS PRESENT) OF THAT ACT**

*This slip must accompany all payments*

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

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<b>Rhif yr hysbysiad cosb benodedig</b>	_____	<b>Fixed penalty notice number</b>
Rwyf yn amgáu'r swm o ( <i>ticiwch un blwch</i> )		I enclose the amount of ( <i>tick one box</i> )
(os gwneir y taliad o fewn y cyfnod 15 niwrnod a bennir yn Rhan 1)	<input type="checkbox"/> <b>£75</b>	(if the payment is made within the 15 day period specified in Part 1)
(os gwneir y taliad o fewn y cyfnod 29 o ddiwrnodau a bennir yn Rhan 1)	<input type="checkbox"/> <b>£100</b>	(if the payment is made within the 29 day period specified in Part 1)
Enw llawn y troseddwr honedig	_____	Full name of alleged offender
Cyfeiriad y troseddwr honedig	_____ _____ _____	Address of alleged offender
Cod post	_____	Post code
Llofnod	_____	Signature
Dyddiad ( <i>dd/mm/yyyy</i> )	_____	Date ( <i>dd/mm/yyyy</i> )

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**RHAN 4**

**PART 4**

**GOFYN AM WRANDAWIAD LLYS**

**REQUESTING A COURT HEARING**

Os byddwch yn dewis gofyn am wrandawriad llys, **rhaid** ichi wneud hynny o fewn y cyfnod 29 o ddiwrnodau drwy gwblhau Rhan 4A a'i hanfon at [enw'r awdurdod gorfodi], neu drwy ysgrifennu at [enw'r awdurdod gorfodi] yn y cyfeiriad a nodir yn Rhan 4A, gan roi eich manylion, rhif yr hysbysiad cosb (a geir yn Rhan 1 o'r hysbysiad hwn) a chyfeiriad lle y gellir cyflwyno gwys ichi. Bydd yr wys yn rhoi gwybod ichi pryd i fynd i'r llys ac ym mhle y mae'r llys. Dim ond derbynnydd yr hysbysiad hwn (y person a enwir yn Rhan 1) a gaiff ofyn am wrandawriad llys.

If you choose to request a court hearing, you **must** do so within the 29 day period by completing Part 4A and sending it to [name of enforcement authority], or by writing to [name of enforcement authority] at the address stated in Part 4A, giving your details, the penalty notice number (which can be found in Part 1 of this notice) and 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 notice (the person named at Part 1) may request a court hearing.

**Rhan 4A**

**Part 4A**

**DEDDF IECHYD Y CYHOEDD (CYMRU)  
2017**

**PUBLIC HEALTH (WALES) ACT 2017**

**CAIS I LYS BARN YMDRIN Â THROSEDD  
HONEDIG**

**REQUEST FOR ALLEGED OFFENCE TO  
BE DEALT WITH BY A COURT OF LAW**

At \_\_\_\_\_  
[Enw'r awdurdod gorfodi a'r  
cyfeiriad lle y dylid anfon Rhan  
4A]

To \_\_\_\_\_  
[Name and address of  
enforcement authority where  
Part 4A should be sent]

**Rhif yr hysbysiad cosb  
benodedig** \_\_\_\_\_

**Fixed penalty notice number**

Rwyf yn dymuno i lys barn ymdrin â mi mewn  
cysylltiad â'r drosedd honedig.

I wish to be dealt with by a court of law for the  
alleged offence.

Enw llawn y troseddwr honedig \_\_\_\_\_

Full name of alleged offender

Cyfeiriad y troseddwr honedig \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Address of alleged offender

Cod post \_\_\_\_\_

Post code

Llofnod \_\_\_\_\_

Signature

Dyddiad \_\_\_\_\_

Date



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## EXPLANATORY NOTE

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

These Regulations revoke and replace the Smoke-free Premises etc. (Wales) Regulations 2007<sup>(13)</sup>.

Chapter 1 of Part 3 of the Public Health (Wales) Act 2017 (“the Act”)<sup>(14)</sup> makes provision restricting smoking in workplaces and public places (among other places). “Smoking” is to be read in accordance with section 4 of the Act.

These Regulations exempt certain premises from the requirement to be smoke-free under the Act and set out the circumstances in which vehicles are to be treated as being smoke-free. “Premises” has the meaning given by section 28 of the Act. The Regulations also make provision about displaying signs and provision relating to enforcement.

Regulation 3 defines “enclosed” and “substantially enclosed”. Under the Act, the requirement to be smoke-free is imposed in relation to workplaces and premises open to the public that are enclosed or substantially enclosed.

Regulation 4(1) provides that premises used to any extent as dwellings are not to be treated as being smoke-free unless regulation 4(2) or 4(5) applies (certain dwellings which are used as places of work).

Regulation 5 provides that holiday and temporary accommodation are to be treated as not being smoke-free. This regulation applies to premises that are not dwellings (because any such premises fall within regulation 4). This regulation ceases to have effect 12 months after these Regulations come into force.

Regulations 6 to 9 provide that rooms in adult care homes, adult hospices (regulation 6), research and testing facilities (regulation 7) and mental health units (regulation 8) and bedrooms in hotels, guesthouses, inns, hostels and members’ clubs (regulation 9) which meet certain conditions may be designated as rooms in which smoking is permitted. But a designation of a room in a mental health unit ceases to have effect 18 months after these Regulations come into force and a designation of a bedroom in a hotel, guesthouse, inn, hostel and a members’ club ceases to have effect 12 months after these Regulations come into force. Sections 10 to 12 of the Act provide for hospital grounds, school grounds and public playgrounds to be smoke-free. Regulations 10 and 11 provide the conditions which must be met before an area in the grounds of a school that provides residential accommodation and in hospital grounds may be designated as an area in which smoking is permitted.

Regulation 12 provides that a person who controls or is concerned in the management of smoke-free premises has to take reasonable steps to cause a person smoking there to stop smoking.

Regulation 13 requires signs to be displayed in premises which are workplaces or open to the public and specifies their content.

Regulation 14 requires signs to be displayed in school grounds, hospital grounds and public playgrounds and specifies their content.

Regulation 15 provides that certain vehicles are treated as being smoke-free. Vehicles used wholly or mainly in the course of work by more than one person or to transport members of the public are smoke-free all the time. Other vehicles which are not smoke-free all the time are smoke-free only when a person in the vehicle is receiving goods or services from another person also in the

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<sup>(13)</sup> S.I. 2007/787 (W. 68) amended by S.I. 2015/1363 (W. 133), S.I. 2016/118 (W. 55) and S.I. 2018/48 (W. 15).

<sup>(14)</sup> 2017 anaw 2.

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vehicle and when a child is in the vehicle. Regulation 16 provides an exemption from this. In these Regulations, a “child” is a person aged under 18 (see section 28 of the Act).

Regulation 17 provides that a driver, an operator or a person who is concerned in the management of a smoke-free vehicle has a duty to prevent smoking in that vehicle.

Regulation 18 requires signs be displayed in certain smoke-free vehicles and specifies their content.

Regulation 19 designates the chief officer of police for a police area as an enforcement authority in relation to vehicles which are smoke-free by virtue of being used for social, domestic or other private purposes where a child is present. Local authorities are already enforcement authorities under section 18 of the Act in relation to premises, places and vehicles in their areas.

Regulation 20 provides the fixed penalty amounts in respect of certain offences, and regulation 21 provides the discounted penalty amounts in respect of certain offences. Regulation 22 introduces the form of fixed penalty notices the enforcement authorities must use.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Public Health Division, Welsh Government, Cathays Park, Cardiff CF10 3NQ.