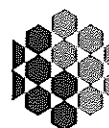


FROM THE MINISTER FOR HEALTH,
SOCIAL SERVICES AND PUBLIC SAFETY



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and Public Safety**

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Our Ref: COR/40/2016

Date: 19 January 2016

Dear

Thank you for your letter of 13 January 2016 seeking clarification on enforcement issues relating to my proposed amendment to the Health (Miscellaneous Provisions) Bill. As drafted, my amendment, which grants regulation-making powers in relation to restricting smoking in cars carrying children, refers to "an authorised officer of an enforcement authority". It is intended that a definition of "enforcement authority" will be provided through regulations.

Members will be aware that the enforcement of existing tobacco control legislation is carried out by authorised officers of District Councils. However, given that District Council staff do not have "stop and search" powers, equivalent to those available to the PSNI, issues have arisen around the obtaining of driver information required in order to issue fixed penalty notices for offences in relation to smoking in work vehicles.

For this reason, my Department is considering a dual enforcement approach to the enforcement of legislation on banning smoking in cars where children are present. A similar approach has been adopted in England and Wales, where a ban has been in place from 1 October 2015. In practice, this would mean that a fixed penalty notice could be issued by either the PSNI or by a District Council.

My officials have been in discussion with colleagues in the Department of Justice to examine the potential for a dual enforcement approach and this is one of the areas which my Department intends to consult on before making final regulations.

Yours sincerely

SIMON HAMILTON MLA