



Northern Ireland
Assembly

Health (Miscellaneous Provisions) Bill
Annotated Marshalled List of Amendments
Further Consideration Stage
Monday 7 March 2016

Amendments tabled up to 9.30am Wednesday, 2 March 2016 and selected for debate

Amendment 1 [Made]

Clause 5, Page 2

Leave out clause 5 and insert -

‘Prohibition of use of tobacco or nicotine products in a private vehicle

4A.—(1) The Smoking (Northern Ireland) Order 2006 is amended in accordance with subsections (2) to (7).

(2) In Article 6 (smoke-free vehicles)—

(a) after paragraph (1) insert—

“(1A) Regulations under this Article may in particular provide for a private vehicle to be smoke-free where a person under the age of 18 is present in the vehicle.”;

(b) in paragraph (2), for “The regulations” substitute “Regulations under this Article”.

(3) In Article 10 (fixed penalties)—

(a) for the heading substitute “Fixed penalties”;

(b) in paragraph (1), for “, or in a place or vehicle,” substitute “or in a place”;

(c) after paragraph (1) insert—

“(1A) An authorised officer of an enforcement authority who has reason to believe that a person has committed an offence under Article 7(5) or 8(2) in a vehicle in relation to which the authorised officer has functions may give that person a penalty notice in respect of the offence.

(1B) The Department may by regulations provide that, in the circumstances specified in the regulations, an authorised officer of an enforcement authority who has reason to believe that a person has committed an offence under Article 9(3) in relation to a vehicle in relation to which the authorised officer has functions may give the person a penalty notice in respect of the offence.”.

(4) In Article 11 (enforcement)—

(a) for the heading substitute “Enforcement”;

(b) in paragraph (1), for “premises, places and vehicles” substitute “premises and places”;

(c) after paragraph (1) insert—

“(1A) The Department may make regulations designating the persons or bodies or descriptions of person or body which are to be enforcement authorities for the purposes of enforcing, as respects vehicles, the provisions of this Order and regulations made under it.

(1B) The regulations—

(a) must specify the descriptions of vehicle in relation to which an enforcement authority has functions,

(b) may provide for a case being dealt with by one enforcement authority to be transferred (or further transferred back) to, and taken over by, another enforcement authority.

(1C) It is the duty of an enforcement authority to enforce, as respects the vehicles in relation to which it has enforcement functions, the provisions of this Order and of regulations made under it.”;

(d) in paragraph (2)—

(i) after “district council” insert “or other enforcement authority”;

(ii) after “the council” insert “or other authority”;

(iii) for “authorised by it” substitute “authorised by that council or other authority”.

(5) In Article 12(1) (obstruction of officers), after “district council” insert “or other enforcement authority”.

(6) In Article 15(3) (regulations subject to affirmative procedure)—

(a) in sub-paragraph (a), for “or 14” substitute “, 10(1B) or 14”;

(b) in sub-paragraph (b), for “or 8” substitute “, 8 or 18”.

(7) In Schedule 1 (fixed penalties), after paragraph 17 add—

“Power to amend or modify Schedule

18. The Department may by regulations—

(a) amend this Schedule so as to modify its application in relation to penalty notices issued by an authorised officer of an enforcement authority of a particular kind,

(b) provide for this Schedule to apply with modifications in relation to such notices.”

(8) The Department may by regulations make provision prohibiting the use of nicotine products in a private vehicle where a person under the age of 18 is present in the vehicle, and such regulations may for that purpose amend, or apply with modifications, the provisions of the Smoking (Northern Ireland) Order 2006 to nicotine products.’

Minister of Health, Social Services and Public Safety

Amendment 2 [Made]

Clause 6, Page 2, Line 34

Leave out ‘this Act’ and insert ‘this section’

Minister of Health, Social Services and Public Safety

Amendment 3 [Made]

Clause 6, Page 2, Line 35

After ‘Regulations’ insert ‘made by the Department’

Minister of Health, Social Services and Public Safety

Amendment 4 [Made]

Clause 8, Page 3, Line 17

Leave out ‘consult’ and insert ‘carry out a study’

Minister of Health, Social Services and Public Safety

Amendment 5 [Made on division]

Clause 8, Page 3, Line 18

Leave out ‘a year’ and insert ‘two years’

Minister of Health, Social Services and Public Safety

Amendment 6 [Made]

Clause 8, Page 3, Line 19

Leave out ‘consultation’ and insert ‘study’

Minister of Health, Social Services and Public Safety

Amendment 7 [Made]

Clause 8, Page 3, Line 28

Leave out subsections (3) and (4)

Minister of Health, Social Services and Public Safety

Amendment 8 [Made]

Clause 15, Page 8, Line 11

After ‘transplantation’ insert ‘and the donation for transplantation of parts of the human body’

Minister of Health, Social Services and Public Safety

Amendment 9 [Made]

Clause 15, Page 8, Line 12

Leave out ‘subsection (1)(a)’ and insert ‘subsection (1)’

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Amendment 10 [Made]

Clause 16, Page 8, Line 15

After ‘in’ insert ‘respect of’

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Amendment 11 [Made]

Clause 16, Page 8, Line 16

Leave out ‘activities’

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Amendment 12 [Made]

Clause 16, Page 8, Line 20

Leave out ‘transplantation activities’ and insert ‘transplantations’

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Amendment 13 [Made]

Clause 16, Page 8, Line 23

Leave out ‘activities’

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Amendment 14 [Made]

Clause 16, Page 8, Line 25

Leave out ‘activities’

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Amendment 15 [Made]

Long Title

After ‘sale’ insert ‘or use’

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Amendment 16 [Made]

Long Title

After ‘tobacco,’ insert ‘to make provision in relation to sugar sweetened drinks,’

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