



STATUTORY INSTRUMENTS.

S.I. No. 474 of 2024

PUBLIC HEALTH (TOBACCO) ACT 2002 (FIXED PAYMENT NOTICE)
REGULATIONS 2024

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I, STEPHEN DONNELLY, Minister for Health, in exercise of the powers conferred on me by section 56 (inserted by section 49 of the Public Health (Tobacco Products and Nicotine Inhaling Products) Act 2023 (No. 35 of 2023)) of the Public Health (Tobacco) Act 2002 (No. 6 of 2002), hereby make the following regulations:

1. (1) These Regulations may be cited as the Public Health (Tobacco) Act 2002 (Fixed Payment Notice) Regulations 2024.

(2) These Regulations shall come into operation on the 23rd day of September 2024.

2. In these Regulations –

“Act of 2002” means the Public Health (Tobacco) Act 2002 (No. 6 of 2002);

“Act of 2023” means the Public Health (Tobacco Products and Nicotine Inhaling Products) Act 2023 (No. 35 of 2023).

3. The form set out in the Schedule is prescribed for the purposes of subsection (1) of section 56 of the Act of 2002 in relation to an offence alleged to have been committed under section 29 of the Act of 2023.

4. The amount of €2,000 is prescribed for the purposes of subsection (4) of section 56 of the Act of 2002 in relation to an offence alleged to have been committed under section 29 of the Act of 2023.

SCHEDULE

*Regulation 3***Public Health (Tobacco) Act 2002****Section 56(1)****Fixed Payment Notice****To:** _____ [insert full name]**Address:** _____
[insert address]

It is alleged that, at _____
 [insert address of place where the offence is alleged to have been committed] on
 _____ 20 ___, at _____ [insert time] you committed an offence
 under:

[Provision in the Act providing for the offence]

Particulars of offence:

[Description of factual situation constituting the contravention alleged]

A prosecution in respect of the alleged offence will not be instituted during the period of 28 days beginning on the date of this Notice. If, during that period, you pay to the Health Service Executive at _____
 [insert address], the sum of €2,000 accompanied by the original or a copy of this Notice, a prosecution will not be instituted at any time in respect of the aforementioned alleged offence.

You are not obliged to make the payment specified in this Notice. However, you will be prosecuted for the alleged offence if you do not make payment as mentioned above.

[Signature] _____

Authorised Officer _____

[Date] _____

IMPORTANT:

Payment should be made to the Health Service Executive at

A receipt will be issued.

Refund of a payment made pursuant to this Notice will not be made in any circumstance. You are entitled to disregard this Notice and defend the prosecution of the alleged offence in court.

L.S.

GIVEN under my Official Seal,
19 September, 2024.

STEPHEN DONNELLY,
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 payment notice under section 56 (inserted by section 49 of the Public Health (Tobacco Products and Nicotine Inhaling Products) Act 2023 (No. 35 of 2023)) of the Public Health (Tobacco) Act 2002 (No. 6 of 2002) and the fixed payment payable in respect of the offence under section 29 of the Act of 2023.

These Regulations may be cited as the Public Health (Tobacco) Act 2002 (Fixed Payment Notice) Regulations 2024 and come into operation on 23 September 2024.

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