STATUTORY INSTRUMENTS

2015 No. 286

PUBLIC HEALTH

The Smoke-free (Private Vehicles) Regulations 2015

Made - - - - 12th February 2015

Coming into force - - 1st October 2015

The Secretary of State for Health, in exercise of the powers conferred by sections 5, 6(2)(b), 9(1A) and 10(1) and (2) of, and paragraph 5 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, commencement and application

1.—(1) These Regulations may be cited as the Smoke-free (Private Vehicles) Regulations 2015 and shall come into force on 1st October 2015.

(2) This regulation and regulations 2, 3, 4 and 6 apply in relation to England only.

(3) Regulation 5 applies in relation to England and Wales.

Private vehicles with children present – amendment of the Smoke-free (Exemptions and Vehicles) Regulations 2007

2.—(1) Regulation 11 of the Smoke-free (Exemptions and Vehicles) Regulations 2007(**2**) is amended as follows.

(2) After paragraph (1) insert—

"(1A) A vehicle that is not smoke-free by virtue of paragraph (1), or any part of such a vehicle, is smoke-free if—

(a) it is enclosed,

(b) there is more than one person present in the vehicle, and

(c) a person under the age of 18 is present in the vehicle."

(3) In paragraph (2), for "paragraph (1)" substitute "paragraphs (1) and (1A)"

(4) In paragraph (6)(b), omit the words "or to persons on any such ships or hovercraft".

(5) After paragraph (6) add—

(**1**) 2006 c.28. Sections 5, 9, 10(1) and 79 were amended by section 95 of the Children and Families Act 2014 (c.6). As to the meaning of "appropriate national authority" see section 82(1).

(**2**) S.I. 2007/765

"(7) Paragraph (1A) does not apply to—

(a) a caravan or motor caravan that is stationary and not on a road; or

(b) a caravan or motor caravan that is stationary, is on a road and is being used as living accommodation.

(8) In this regulation—

"caravan" means a trailer which is designed for road use and provides mobile living accommodation.

"motor caravan" 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" has the same meaning as in section 192(1) of the Road Traffic Act 1988(**3**)."

No-smoking signs – amendment of the Smoke-free (Signs) Regulations 2012

3.—(1) The Smoke-free (Signs) Regulations 2012(**4**) are amended as follows.

(2) In regulation 1(3), omit sub-paragraph (b);

(3) In regulation 2, for "a smoke-free vehicle" substitute "a vehicle that is smoke-free by virtue of regulation 11(1) of the Smoke-free (Exemptions and Vehicles) Regulations 2007,".

Fixed penalties

4. An authorised officer of an enforcement authority who has reason to believe that a person has committed an offence under section 8(4) of the Health Act 2006 in relation to a vehicle that is smoke-free by virtue of regulation 11(1A) of the Smoke-Free (Exemptions and Vehicles) Regulations 2007, may give that person a penalty notice in respect of the offence.

Penalties and discounted amounts - amendment of the Smoke-free (Penalties and Discounted Amounts) Regulations 2007

5.—(1) The Smoke-free (Penalties and Discounted Amounts) Regulations 2007(**5**) are amended as follows.

(2) In paragraph (5) of regulation 2, after "under section 7(2)" insert "or 8(4)".

Enforcement – amendment of the Smoke-free (Premises and Enforcement) Regulations 2006

6.—(1) The Smoke-free (Premises and Enforcement) Regulations 2006(**6**) are amended as follows.

(2) In regulation 3, after paragraph (5) add—

"(6) The Chief Officer of each police force is designated as an enforcement authority for the purposes of Chapter 1 of Part 1 of the Act.

(7) An enforcement authority designated under paragraph (6) has enforcement functions in relation to vehicles that—

(**3**) 1988 c.52. Section 192(1) was amended by the New Roads and Street Works Act 1991 (c.22). Schedule 8(IV) paragraph 121(4); the Treaty of Lisbon (Changes in Terminology) Order (S.I. 2011/1043), Part 2, article 6(1)(d); the Access to Justice Act 1999 (c.22) schedule 15(V)(1), paragraph 1, and by the Road Traffic Act 1991 (c.40), Schedule 4, paragraph 78(2) and (3).
(**4**) S.I. 2012/1536
(**5**) S.I. 2007/764.
(**6**) S.I. 2006/3368.