
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision concerning the prohibition of smoking in certain premises and vehicles pursuant to powers contained in Chapter 1 of Part 1 of the Health Act 2006.

In relation to premises they specify, in regulation 2, the meaning of “enclosed” and “substantially enclosed” for the purposes of section 2 of the Act, which provides that premises are smoke-free only in those areas which are enclosed or substantially enclosed.

They specify descriptions of premises which are not smoke-free and specify circumstances and conditions in which and times at which certain premises or areas of premises are not smoke-free (regulation 3).

The regulations also make provision for descriptions of vehicle and the circumstances in which such vehicles are to be smoke-free (regulation 4).

Regulations 5 and 6 prescribe the requirements for contents and display of no-smoking signs in premises and vehicles. They also impose a duty to display signs in relevant vehicles on operators, drivers and persons responsible for order or safety on such vehicles.

Regulation 7 imposes a duty on such operators, drivers and persons responsible for safety or order to cause persons smoking in smoke-free vehicles to stop smoking.

Regulation 8 designates county councils and county borough councils in Wales as enforcement authorities and provides for transfer of responsibility between enforcement authorities.

Regulation 9 introduces the schedule to the regulations which contains penalty notice forms to be used by enforcement authorities.

A draft of the Regulations was notified to the European Commission in accordance with Article 8 of the European Parliament and Council Directive [98/34/EC](#) laying down a procedure for the provision of information in the field of technical standards and regulations and of rules of Information Society services (OJ No. L204, 21.7.1998, p.37), as amended by the European Parliament and Council Directive [98/48/EC](#) (OJ No. L217, 5.8.1998, p.18).