
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Public Service Vehicles (Conduct of Drivers, Inspectors, Conductors and Passengers) Regulations 1990 (“the 1990 Regulations”) to omit the requirement that drivers, inspectors and conductors shall not smoke in or on a vehicle except—

- (a) when the vehicle is not available for the carriage of passengers in any part of the vehicle where smoking is not prohibited; or
- (b) with the permission of the operator and the agreement of the hirer when the vehicle is hired as a whole.

Similarly omitted is the requirement on passengers not to smoke or carry lighted tobacco or light a match or a cigarette lighter in or on any part of the vehicle where passengers are by a notice informed that smoking is prohibited, unless the vehicle has been hired as a whole and both the operator and the hirer have given their permission to the contrary.

Regulation 3 of and Schedule 1 to the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006 ([S.S.I. 2006/90](#)) prescribe a public transportation vehicle as a class of premises which are no-smoking premises for the purposes of Part 1 the Smoking, Health and Social Care (Scotland) Act 2005 and so are regulated by that. Accordingly smoking by drivers, inspectors, conductors or passengers on such vehicles no longer requires to be regulated by the 1990 Regulations.