



Children and Families Act 2014

2014 CHAPTER 6

PART 5

WELFARE OF CHILDREN

Tobacco, nicotine products and smoking

95 Smoking in a private vehicle

- (1) The Health Act 2006 is amended as follows.
- (2) In section 5 (smoke-free vehicles)—
 - (a) after subsection (1) insert—

“(1A) Regulations under this section 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.”, and
 - (b) in subsection (2), for “The regulations” substitute “Regulations under this section”.
- (3) In section 9 (fixed penalties), after subsection (1) insert—

“(1A) The appropriate national authority may by regulations provide that, in the circumstances specified in the regulations, an authorised officer of an enforcement authority (see section 10) who has reason to believe that a person has committed an offence under section 8(4) 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 section 10(1) (power to designate bodies or descriptions of body as enforcement authorities)—
 - (a) after “designating the” insert “persons or”, and
 - (b) after “descriptions of” insert “person or”.
- (5) In section 79 (orders and regulations)—

Status: This is the original version (as it was originally enacted).

- (a) in subsection (4) (powers to which affirmative procedure applies), in paragraph (a) (powers in Part 1), for “or 8(7)” substitute “, 8(7) or 9(1A)”,
- (b) in that subsection, in paragraph (f) (powers in Schedule 1), for “or 8” substitute “, 8 or 17”, and
- (c) after that subsection insert—

“(4A) No statutory instrument containing regulations under section 9(1A) or paragraph 17 of Schedule 1 may be made by the Welsh Ministers unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.”

- (6) In Schedule 1 (fixed penalties), after paragraph 16 insert—

“Power to amend or modify Schedule

- 17 The appropriate national authority 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, or
 - (b) provide for this Schedule to apply with modifications in relation to such notices.”