
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations made under Chapter 1 of Part 1 of the Health Act 2006, contain provisions to require private vehicles in England to be smoke-free when children are present. Regulations 2, 3, 5 and 6 amend existing Regulations to make the provisions.

Regulation 2 provides for private vehicles to be smoke-free when they are enclosed, there is more than one person in the vehicle and a person under the age of 18 is present in the vehicle. Caravans and motor caravans are excluded when they are being used as living accommodation.

Regulation 3 ensures that there is no duty to display no-smoking signs in vehicles that are smoke-free by virtue of these Regulations.

Regulation 4 provides that a penalty notice may be given where there is reason to believe that a person has committed an offence of failing to prevent smoking in a vehicle that is smoke-free by virtue of these Regulations.

Regulation 5 sets the amount of the penalty for a penalty notice given in respect of an offence of failing to prevent smoking in a vehicle that is smoke-free by virtue of these Regulations.

Regulation 6 provides for chief officers of police to be enforcement authorities for vehicles that are smoke-free by virtue of these Regulations.

Regulation 7 requires the Secretary of State to review the operation and effect of these Regulations and publish a report within the period of five years beginning with when the Regulations come into force.

An Impact Assessment has been prepared for these Regulations and is published with the Explanatory Memorandum alongside the instrument on www.legislation.gov.uk.