
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 which relate to smoke-free vehicles in Wales. They amend the Smoke-free Premises etc (Wales) Regulations 2007 (“the principal Regulations”).

Regulation 2(1) amends regulation 1 of the principal Regulations (interpretation).

Regulation 2(2) inserts a new regulation 4A into the principal Regulations which 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. Aircraft and most ships and hovercraft are excluded. Caravans and motorhomes are excluded in certain circumstances.

Regulation 2(3) inserts a new regulation 7A into the principal Regulations which provides that the driver of a vehicle that is smoke-free by virtue of regulation 4A is under a duty to cause persons to stop smoking in that vehicle. It also inserts a new regulation 7B into the principal Regulations which provides that a penalty notice may be given where there is reason to suspect that an offence of failing to prevent smoking in a smoke-free private vehicle has been committed.

Regulation 2(4) replaces penalty notice form 2 in the Schedule to the principal Regulations with the penalty notice form in the Schedule to these Regulations which means that the form can be used for the offence of failing to prevent smoking in a smoke-free private vehicle under section 8 of the Health Act 2006, as well as the offence of smoking in a smoke-free place under section 7 of that Act.

Regulation 2(5) provides for chief officers of police to be enforcement authorities for smoke-free private vehicles.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Tobacco Policy Branch of the Public Health Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.