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DRAFT STATUTORY INSTRUMENTS

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**2015 No.**

**The Smoke-free (Private Vehicles) Regulations 2015**

**Private vehicles with children present – amendment of the Smoke-free (Exemptions and Vehicles) Regulations 2007**

2.—(1) Regulation 11 of the Smoke-free (Exemptions and Vehicles) Regulations 2007(1) is amended as follows.

(2) After paragraph (1) insert—

“(1A) A vehicle that is not smoke-free by virtue of paragraph (1), or any part of such a vehicle, is smoke-free if—

- (a) it is enclosed,
- (b) there is more than one person present in the vehicle, and
- (c) a person under the age of 18 is present in the vehicle.”

(3) In paragraph (2), for “paragraph (1)” substitute “paragraphs (1) and (1A)”

(4) In paragraph (6)(b), omit the words “or to persons on any such ships or hovercraft”.

(5) After paragraph (6) add—

“(7) Paragraph (1A) does not apply to—

- (a) a caravan or motor caravan that is stationary and not on a road; or
- (b) a caravan or motor caravan that is stationary, is on a road and is being used as living accommodation.

(8) In this regulation—

“caravan” means a trailer which is designed for road use and provides mobile living accommodation.

“motor caravan” means a motor vehicle which is constructed or adapted for the carriage of passengers and their effects and which contains, as permanently installed equipment, the facilities which are reasonably necessary for enabling the vehicle to provide mobile living accommodation for its users.

“road” has the same meaning as in section 192(1) of the Road Traffic Act 1988(2).”

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(1) [S.I. 2007/765](#)

(2) [1988 c.52](#). Section 192(1) was amended by the New Roads and Street Works Act [1991 \(c.22\)](#). Schedule 8(IV) paragraph 121(4); the Treaty of Lisbon (Changes in Terminology) Order ([S.I. 2011/1043](#)), Part 2, article 6(1)(d); the Access to Justice Act [1999 \(c.22\)](#) schedule 15(V)(1), paragraph 1, and by the Road Traffic Act [1991 \(c.40\)](#), Schedule 4, paragraph 78(2) and (3).