
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations made under the Smoking (Northern Ireland) Order 2006 (“the Order”), contain provisions to require private vehicles in Northern Ireland to be smoke-free when children are present. Regulations 2 and 3 amend existing Regulations to make the provisions.

Regulation 2(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 2(3) sets the amount of the penalty for a penalty notice being given in respect of an offence of failing to prevent smoking in a vehicle that is smoke-free by virtue of these Regulations.

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 provides that both the district councils and PSNI are enforcement authorities for private vehicles that are smoke-free by virtue of these Regulations, and for enclosed vehicles which are used by the public or used for work purposes which are smoke-free by virtue of regulations made under Article 6 of the Order.

Regulation 6 amends Schedule 1 to the Order so as to modify its application in relation to penalty notices issued by an authorised officer of an enforcement authority designated as an enforcement authority for the purposes of enforcing, as respects vehicles, the provisions of the Order and regulations made under it.