
STATUTORY INSTRUMENTS

2007 No. 765

The Smoke-free (Exemptions and Vehicles) Regulations 2007

PART 3

Vehicles

Enclosed vehicles

11.—(1) Subject to the following paragraphs of this regulation, an enclosed vehicle and any enclosed part of a vehicle is smoke-free if it is used—

- (a) by members of the public or a section of the public (whether or not for reward or hire); or
- (b) in the course of paid or voluntary work by more than one person (even if those persons use the vehicle at different times, or only intermittently).

[^{F1}(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.]

(2) A vehicle or part of a vehicle is enclosed for the purposes of [^{F2}paragraphs (1) and (1A)] where it is enclosed wholly or partly by a roof and by any door or window that may be opened.

(3) Except where paragraph (4) applies, “roof” in paragraph (2) includes any fixed or moveable structure or device which is capable of covering all or part of the vehicle, including any canvas, fabric or other covering.

(4) In relation to a vehicle that is engaged in conveying persons, “roof” does not include any fixed or moveable structure or device which is completely stowed away so that it does not cover all or any part of the vehicle.

(5) A vehicle is not used in the course of paid or voluntary work for the purposes of paragraph (1) (b) where it is used primarily for the private purposes of a person who—

- (a) owns it; or
- (b) has a right to use it which is not restricted to a particular journey.

(6) This regulation applies to all vehicles other than—

- (a) aircraft; or
- (b) ships or hovercraft in respect of which regulations could be made under section 85 of the Merchant Shipping Act 1995(1) (safety and health on ships), including that section as applied by any Order in Council under section 1(1)(h) of the Hovercraft Act 1968(2)^{F3}....

(1) 1995 c.21. Section 85 was amended by the British Overseas Territories Act 2002 (c.8), section 2, and by the Merchant Shipping and Maritime Security Act 1997 (c.28), sections 8 and 29 and Schedule 7, Part 1.
(2) 1968 c.59. Section 1 was amended by the Control of Pollution Act 1974 (c.40), section 108 and Schedule 3; the Supreme Court Act 1981 (c.54), section 152 and Schedule 5; the Environmental Protection Act 1990 (c.43), section 162 and Schedule 15;

[^{F4}(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.]

Textual Amendments

- F1** Reg. 11(1A) inserted (1.10.2015) by The Smoke-free (Private Vehicles) Regulations 2015 (S.I. 2015/286), regs. 1(1), **2(2)**
 - F2** Words in reg. 11(2) substituted (1.10.2015) by The Smoke-free (Private Vehicles) Regulations 2015 (S.I. 2015/286), regs. 1(1), **2(3)**
 - F3** Words in reg. 11(6)(b) omitted (1.10.2015) by virtue of The Smoke-free (Private Vehicles) Regulations 2015 (S.I. 2015/286), regs. 1(1), **2(4)**
 - F4** Reg. 11(7)(8) added (1.10.2015) by The Smoke-free (Private Vehicles) Regulations 2015 (S.I. 2015/286), regs. 1(1), **2(5)**
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Commencement Information

- I1** Reg. 11 in force at 1.7.2007, see **reg. 1(1)**

Changes to legislation:

There are currently no known outstanding effects for the The Smoke-free (Exemptions and Vehicles) Regulations 2007, Section 11.