
WELSH STATUTORY INSTRUMENTS

2015 No. 1363

**The Smoke-free Premises etc. (Wales)
(Amendment) Regulations 2015**

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is the Smoke-free Premises etc. (Wales) (Amendment) Regulations 2015 and they come into force on 1 October 2015.

(2) These Regulations apply in relation to Wales.

(3) In these Regulations—

“the principal Regulations” (“y prif Reoliadau”) means The Smoke-free Premises etc (Wales) Regulations 2007(1).

Amendment of the principal Regulations

2.—(1) In regulation 1(3) of the principal Regulations (interpretation)—

(a) in the appropriate place, insert the following definitions—

““caravan” (“carafán”) means a trailer which is designed for road use and provides mobile living accommodation;”;

““motor caravan” (“carafán modur”) 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” (“ffordd”) has the same meaning as in section 192(1) of the Road Traffic Act 1988(2)

(2) Following regulation 4 of the principal Regulations (smoke-free vehicles) insert the following—

“4A Private vehicles with children present

(1) Subject to the following paragraphs of this regulation, a private vehicle or any part of a private 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 paragraph (1) where it has doors or windows which may be opened but it is not enclosed unless it is wholly or partly covered by a roof.

(1) [S.I. 2007/787 \(W.68\)](#).

(2) [1988 c.52](#). Section 192(1) was amended by the New Roads and Street Works Act [1991 \(c.22\)](#), Sch. 8 (Pt IV) para. 12(4); the Treaty of Lisbon (Changes in Terminology) Order ([S.I. 2011/1043](#)), Pt 2 art. 6(1)(d); the Access to Justice Act [1999 \(c.22\)](#) Sch. 15(Pt V)(1) para. 1, and by the Road Traffic Act [1991 \(c.40\)](#), Sch. 4 para. 78(2) and (3).

(3) In this regulation “roof” does not include any roof which is completely stowed away so that it does not cover any part of a compartment in which persons may travel.

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

- (a) a caravan or motor caravan that is stationary and not on a road;
- (b) a caravan or motor caravan that is stationary, is on a road and is being used as living accommodation;
- (c) aircraft;
- (d) ships or hovercraft in respect of which regulations could be made under section 85 of the Merchant Shipping Act 1995(3) (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(4).”

(3) Following regulation 7 of the principal Regulations (Duty to prevent smoking in smoke-free vehicles), insert—

“7A Duty to prevent smoking in smoke-free private vehicles

The driver of a vehicle that is smoke-free by virtue of regulation 4A is under a duty to cause any person who is smoking in the vehicle to stop smoking.

7B Fixed penalties

7B An authorised officer of an enforcement authority who has reason to believe that a person has committed an offence under section 8(4) of the Act in relation to a vehicle that is smoke-free by virtue of regulation 4A, may give that person a penalty notice in respect of the offence.”

(4) In the Schedule to the principal Regulations (Penalty Notice Forms), for form 2 substitute the form in the Schedule to these Regulations.

(5) In regulation 8 of the principal Regulations (Enforcement: designation of enforcement authorities), after paragraph (3) add—

“(4) The Chief Officer of each police force is designated as an enforcement authority for the purposes of Chapter 1 of Part 1 of the Act.

(5) An enforcement authority designated under paragraph (4) has enforcement functions in relation to vehicles that—

- (a) are smoke free by virtue of regulation 4A; and
- (b) are within the police area for which the police force in question is maintained(5)

(3) 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.

(4) 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 Environment Protection Act 1990 (c.43), section 162 and Schedule 15; the Merchant Shipping Act 1995 (c.21), section 314 and Schedule 13; the Environment Act 1995 (c.25), section 120 and Schedule 24; the Merchant Shipping and Marine Security Act 1997 (c.28), section 29 and Schedule 6; the Constitutional Reform Act 2005 (c.4), section 59 and Schedule 11, and by S.I. 1978/1049. It was also modified by the Pilotage Act 1987 (c.21), section 32 and Schedule 2 and by the Merchant Shipping Act 1995, section 310.

(5) The expressions “chief officer of police”, “police force” and “police area” are defined in relation to England and Wales, in section 101 of the Police Act 1996 (c.16).

2 June 2015

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the Welsh Ministers