

Subsidiary Legislation made under s.5(1).

Smoking Prohibition (Children in Motor Vehicles) Regulations 2016

LN.2016/069

Commencement **31.3.2016**

ARRANGEMENT OF REGULATIONS

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2012-08

Smoke-Free Environment

2016/069

**Smoking Prohibition (Children in Motor Vehicles)
Regulations 2016**

In exercise of the powers conferred on him by section 5(1) of the Smoke-Free Environment Act 2012, the Minister has made the following Regulations.

Title.

1. These Regulations may be cited as the Smoking Prohibition (Children in Motor Vehicles) Regulations 2016.

Commencement.

2. These Regulations come into operation on the day of publication.

Interpretation.

3. In these Regulations—

“adult” means a person aged 18 or over;

“child” means a person under the age of 18;

“enclosed” in relation to a motor vehicle means enclosed wholly or partly by a roof and by any door or window that may be opened;

“motor vehicle” means any vehicle propelled by mechanical power and constructed for use on roads;

“smoking” refers to smoking tobacco or anything which contains tobacco, or smoking any other substance, and includes being in possession of lit tobacco or of anything lit which contains tobacco, or being in possession of any other lit substance in a form which it could be smoked.

Smoking in a motor vehicle with children.

4.(1) It is an offence for an adult to smoke in an enclosed private motor vehicle when—

(a) there is a child in the vehicle; and

(b) the vehicle is in a public place.

(2) A person who commits an offence under subregulation (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Power to enter and require information.

5.(1) A police officer may enter and search a private motor vehicle which is parked in a public place in order to ascertain whether an offence under regulation 4(1) has been or is being committed there.

(2) A person who obstructs or refuses to grant access to a police officer intending to carry out a search in accordance with subregulation (1) commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.