
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).

(2) A vehicle or part of a vehicle is enclosed for the purposes of paragraph (1) 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) or to persons on any such ships or hovercraft.

(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; 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.