
WELSH STATUTORY INSTRUMENTS

2020 No. 1211

**The Smoke-free Premises and
Vehicles (Wales) Regulations 2020**

PART 1

GENERAL

Title, commencement and interpretation

1.—(1) The title of these Regulations is the Smoke-free Premises and Vehicles (Wales) Regulations 2020.

(2) These Regulations come into force on 1 March 2021.

2.—(1) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Public Health (Wales) Act 2017;

“vehicle” (“*cerbyd*”) does not include—

(a) aircraft, nor

(b) a ship or hovercraft in relation to which regulations could be made under section 85 of the Merchant Shipping Act 1995⁽¹⁾ including that section as applied by any Order in Council under section 1(1)(h) of the Hovercraft Act 1968⁽²⁾.

(2) Expressions used in these Regulations have the same meaning as in the Act.

Meaning of “enclosed”, “substantially enclosed” and “not enclosed or substantially enclosed”

3.—(1) For the purposes of Chapter 1 of Part 3 of the Act—

(a) premises, or parts of premises, are enclosed if—

(i) they have a ceiling or a roof, and

(ii) except for doors, windows and passageways, they are wholly enclosed either permanently or temporarily;

(b) a vehicle, or part of a vehicle, is enclosed if—

(i) it has a roof, and

(ii) except for doors and windows, it is wholly enclosed either permanently or temporarily.

(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), section 8.

(2) 1968 c. 59. Section 1(1)(h) was amended by the Constitutional Reform Act 2005, Schedule 11 paragraph 1(2) and by the Supreme Court Act 1981 (c. 54), section 152. The Supreme Court Act 1981 was renamed the Senior Courts Act 1981 by the Constitutional Reform Act 2005 (c. 4), section 59.

(2) For the purposes of Chapter 1 of Part 3 of the Act, premises, or parts of premises, are substantially enclosed if—

- (a) they have a ceiling or a roof, and
- (b) any openings in the walls have a total area which is less than half the area of the walls, including other structures which serve the purpose of walls and constitute the perimeter of the premises.

(3) In calculating the total area of any openings for the purposes of paragraph (2)(b), no account is to be taken of openings in which there are doors, windows or other fittings which can be opened and shut.

(4) In this regulation, “roof” includes any fixed or moveable structure or device capable of covering all or part of the premises or vehicle as a roof.

(5) For the purposes of Chapter 1 of Part 3 of the Act, premises or parts of premises are “not enclosed or substantially enclosed” if they are not enclosed or not substantially enclosed within the meaning of paragraphs (1) and (2).