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WELSH STATUTORY INSTRUMENTS

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**2020 No. 1211**

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

**PART 3**

**SMOKE-FREE VEHICLES**

**Smoke-free vehicles**

**15.**—(1) A vehicle which is enclosed, and any part of a vehicle which is enclosed, is to be treated as being smoke-free if paragraph (2) or (3) applies.

(2) This paragraph applies if the vehicle is one that is used wholly or mainly in the course of paid or voluntary work and it is used—

- (a) by more than one person (even if the persons who use it do so at different times or intermittently), or
- (b) to transport members of the public or a section of the public.

(3) This paragraph applies if the vehicle is not within paragraph (2) and it is used—

- (a) in the course of paid or voluntary work and more than one person is present in the vehicle and one of those is present for the purpose of receiving goods or services from the person using the vehicle, or
- (b) for social, domestic or other private purposes and more than one person is present in the vehicle and one of those persons is a child.

(4) A vehicle which is smoke-free by virtue of paragraph (2) is smoke-free all the time.

(5) A vehicle which is smoke-free by virtue of paragraph (3) is smoke-free only when the vehicle is being used as described in that paragraph.

**Smoke-free vehicles: exemptions**

**16.**—(1) A vehicle is not to be treated as being smoke-free by virtue of regulation 15(3)(b) if it is a caravan or motor caravan that is—

- (a) stationary and not on a road, or
- (b) stationary, is on a road and is being used as living accommodation.

(2) In this regulation—

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

“motor caravan” (“*carafán fodur*”) 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 meaning given by section 192(1) of the Road Traffic Act 1988(1).

**Duty to prevent smoking in a smoke-free vehicle**

17. The following persons must take reasonable steps to cause a person smoking in a vehicle which is treated as being smoke-free by virtue of regulation 15 to stop smoking—

- (a) a driver or operator of a vehicle which is treated as being smoke-free by virtue of regulation 15, and
- (b) a person who is concerned in the management of such a vehicle.

**Smoke-free vehicles: signs**

18.—(1) The driver, operator and person who is concerned in the management of a vehicle which is treated as a smoke-free vehicle by virtue of regulation 15(2) must make sure that a sign is displayed in the vehicle in accordance with paragraph (2).

(2) The sign must contain a legible graphic representation of a burning cigarette enclosed in a circle with a bar across the circle which crosses the cigarette symbol.

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(1) 1988 c. 52. The definition of “road” was amended by the Road Traffic Act 1991 (c. 40), paragraph 78 of Schedule 4.