

**Briefing Note – Changes in the Smokefree legislation, 1<sup>st</sup> October 2015**  
***Martin Holt, Head of Healthy Communities, 01895 837354***

The Health Act 2006 introduced offences relating to the restriction of smoking in a public place or workplace, including vehicles, which are enclosed or substantially enclosed. The Act also increased the minimum age for the sale of tobacco from 16 to 18. However it did not include the sale of e-cigarettes.

The legislation has now been amended so that from 1 October 2015 it will be illegal:

- for retailers to sell electronic cigarettes (e-cigarettes) or e-liquids to someone under 18
- for adults to buy (or try to buy) tobacco products or e-cigarettes for someone under 18
- to smoke in private vehicles that are carrying someone under 18

The sale of tobacco to those underage is enforced by Trading Standards Officers of Bucks County Council and this will continue to be the case for the underage sale of e-cigarettes.

With regard to smoking in private vehicles, from 1 October 2015, private vehicles must be smokefree if they are enclosed, there is more than one person present and one of them is under 18. The rules don't apply to e-cigarettes.

It will be an offence:

- for a person of any age to smoke in a private vehicle that is carrying someone who is under 18;
- for a driver (including a provisional driver) not to stop someone smoking in these circumstances.

The legislation covers any private vehicle that is enclosed wholly or partly by a roof. Therefore a convertible car, or coupe, with the roof completely down and stowed is not enclosed whilst a vehicle with a sunroof open is. Sitting in the open doorway of an enclosed vehicle is covered by the legislation. Private vehicles must be carrying more than one person to be smokefree so somebody who is 17 and smoking alone in a private vehicle won't be committing an offence.

The rules apply to motorhomes, campervans and caravans when they are being used as a vehicle but don't apply when they are being used as living accommodation.

The police have been included as an enforcement authority. Enforcement officers (usually the police in this instance) will be able to use their discretion to decide whether to issue a warning or a fixed penalty notice, or whether to refer an offence to court. The fixed penalty notice fine for both offences is £50, discounted to £30 upon early payment.

It is anticipated that the impact of this change in legislation to the local authority will be minimal.