



Title of Report:	The Smoke-Free (Private Vehicles) Regulations (NI) 2021
Committee Report Submitted To:	Environmental Services Committee
Date of Meeting:	8th February 2022
For Decision or For Information	For Information

Linkage to Council Strategy (2021-25)	
Strategic Theme	Healthy, Active and Engaged Communities
Outcome	Delivery of statutory responsibilities
Lead Officer	Head of Health & Built Environment

Budgetary Considerations	
Cost of Proposal	N/A
Included in Current Year Estimates	Yes
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	Yes/No N/A	Date:
	EQIA Required and Completed:	Yes/No N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	Yes/No N/A	Date:
	RNA Required and Completed:	Yes/No N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	Yes/No N/A	Date:
	DPIA Required and Completed:	Yes/No N/A	Date:

1.0 Purpose of Report

- 1.1 The purpose of this report is to advise Council of new legislative requirements in relation to smoking in private vehicles with children and young people present.

2.0 Background

- 2.1 Existing smoke free law is being extended to protect children and young people from the harm to their health caused by exposure to second-hand smoke in vehicles.
- 2.2 Smoking is the single greatest cause of preventable illness and premature death in Northern Ireland. Exposure to second-hand smoke damages the health of others, particularly children, who breathe more rapidly and inhale more pollutants per pound of body weight than adults.

3.0 Legislation and Offences

- 3.1 The Smoke-free (Private Vehicles) Regulations (NI) 2021 amend the Smoke-free (Exemptions, Vehicles, Penalties and Discounted Amounts) Regulations (NI) 2007 to prohibit any person from smoking in any enclosed private vehicle when another person under the age of 18 years old is present inside the vehicle.
- 3.2 The requirement applies to the driver and any passengers and to both moving and stationary vehicles. Electronic cigarettes and nicotine vaporisers are not included within the definition of smoking.
- 3.3 From 1st February 2022 it will therefore be an offence:
- for someone to smoke in a private vehicle with someone under age 18 present; and
 - for a driver not to stop someone smoking in a private vehicle with someone under age 18 present

4.0 Penalties

- 4.1 A fixed penalty may be issued in respect of the above offences. Amounts and maximum fines are detailed below:
- Smoking in a private vehicle with someone under the age of 18 present – fixed penalty notice of £50 (reduced to £30 if paid within 15 days) for the person smoking or a maximum fine of £1,000 if prosecuted and convicted by a court.

- A driver permitting smoking in a smoke-free private vehicle with someone under the age of 18 present - fixed penalty notice of £50 for the driver, or a maximum fine of £2,500 if prosecuted and convicted by a court.
- 4.2 A dual enforcement role between district councils and PSNI is being adopted in relation to the Regulations. The Police have a key role in detecting and dealing with offences against this legislation as they have existing powers to stop moving vehicles and are able to enforce this legislation as part of their usual road safety responsibilities, which include the proper use of child car seats, seat belts and mobile phones.
- 4.3 District councils also have responsibilities and powers to appoint authorised officers to deal with individual offences when discovered or reported to them and to generally support the building of compliance through information and advice campaigns as well as by working alongside the police in taking targeted enforcement measures.
- 4.4 The Public Health Agency has implemented a mass media campaign to increase awareness and encourage support for the new regulations.

5.0 Recommendation

It is recommended that the report be noted.