

*These notes refer to the Children and Families Act 2014  
(c.6) which received Royal Assent on 13 March 2014*

# **CHILDREN AND FAMILIES ACT 2014**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **PART 5 – WELFARE OF CHILDREN**

##### ***Section 95: Smoking in a private vehicle***

404. This section amends smoke-free legislation (the Health Act 2006) to provide the Secretary of State, or Welsh Ministers in relation to Wales, with the power to make regulations to provide for a private vehicle to be smoke-free when a person under the age of 18 is present in the vehicle. The Health Act 2006 contains two offences in relation to vehicles that are designated as smoke-free under the regulations: smoking in a smoke-free vehicle and failure by the person in control of the vehicle to prevent smoking in a smoke-free vehicle.
405. The Health Act 2006 includes a power to provide for penalty notices in relation to the offence of smoking in a smoke-free vehicle and this section amends that Act to allow penalty notices to also be used for the offence of failing to prevent smoking in a vehicle when a person under the age of 18 is present.
406. All regulations made under these powers will be subject to the affirmative parliamentary procedure.