



Jersey

**RESTRICTION ON SMOKING (MOTOR
VEHICLES) (JERSEY)
REGULATIONS 2015**

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RESTRICTION ON SMOKING (MOTOR VEHICLES) (JERSEY) REGULATIONS 2015

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RESTRICTION ON SMOKING (MOTOR VEHICLES) (JERSEY) REGULATIONS 2015

THE STATES, in pursuance of Articles 1 and 2 of the Restriction on Smoking (Jersey) Law 1973¹, have made the following Regulations –

Commencement [[see endnotes](#)]

1 Meaning of “enclosed motor vehicle”

- (1) In these Regulations “enclosed motor vehicle” means a motor vehicle which is enclosed wholly or partly by a roof and by any door or window that may be opened.
- (2) For the purposes of paragraph (1) “roof” –
 - (a) includes any fixed or movable structure or device which is capable of covering all or part of the motor vehicle, including any canvas, fabric or other covering;
 - (b) does not include any fixed or movable structure which is completely stowed away so that it does not cover all or any part of the motor vehicle.

2 Prohibition of smoking in enclosed motor vehicles in which a person under 18 years is present

- (1) A person is prohibited from smoking tobacco in an enclosed motor vehicle in which another person is present, such other person being under the age of 18 years.
- (2) Any person described as follows is under a duty to cause a person smoking in contravention of paragraph (1) to stop smoking –
 - (a) the driver of a motor vehicle in which the person is smoking;
 - (b) a person who is present and in charge of the motor vehicle at the time such smoking takes place.
- (3) A person who contravenes paragraph (1) shall be guilty of an offence and liable to a fine of level 2 on the standard scale.
- (4) A person who contravenes paragraph (2) shall be guilty of an offence and liable to a fine of level 3 on the standard scale.
- (5) It is a defence for a person charged with an offence under paragraph (3) or (4) to show that, at the time when the smoking occurred, the person

- reasonably believed that all the other occupants of the motor vehicle were aged 18 or over.
- (6) It is a defence for a person charged with an offence under paragraph (4) to show that –
- (a) the person took reasonable steps to cause the person in question to stop smoking;
 - (b) the person did not know, and could not reasonably have been expected to know, that the person in question was smoking; or
 - (c) on other grounds it was reasonable for the person not to comply with the duty under paragraph (2).
- (7) Paragraph (1) does not apply to a person smoking in a motor vehicle which is stationary if –
- (a) it contains, as permanently installed equipment, the facilities which are reasonably necessary for enabling the motor vehicle to provide mobile living accommodation; and
 - (b) it is the person's sole or principal place of residence (whether in Jersey or elsewhere).
- (8) For the purposes of paragraph (7), it is for the person charged with an offence under paragraph (1) to prove that the motor vehicle is the person's sole or principal place of residence.
- (9) This Regulation has effect notwithstanding any provision in the Restriction on Smoking (Workplaces) (Jersey) Regulations 2006² that may be construed to the contrary.

3 Citation

These Regulations may be cited as the Restriction on Smoking (Motor Vehicles) (Jersey) Regulations 2015.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Restriction on Smoking (Motor Vehicles) (Jersey) Regulations 2015	R&O.60/2015	1 September 2015

Table of Renumbered Provisions

Original	Current
None	

Table of Endnote References

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- ¹ *chapter 20.825*
² *chapter 20.825.95*