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Amend the Health Act 2006 to make provision for a ban on smoking in private vehicles where there are children present.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Amendments to the Health Act 2006

(1) The Health Act 2006 is amended as follows.

(2) After section 8, insert—

“8A Offence of failing to prevent smoking in a private vehicle when children are present

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(1) It is the duty of any person who drives a private vehicle to ensure that that vehicle is smoke-free whenever a child or children under the age of 18 are in such vehicle or part of such vehicle.

(2) A person who fails to comply with the duty in subsection (1) commits an offence.

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(3) A person convicted of an offence under this section who has not previously been convicted of such an offence shall have the option of attending a smoke-free driving awareness course in place of paying a fine under subsection (4).

(4) A person who does not wish to attend an awareness course or who has previously been convicted of an offence under this section is liable on summary conviction to a fine of £60.

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(5) The Secretary of State may introduce regulations to alter the level of penalty payable under subsection (4).

(6) The Secretary of State shall update all relevant regulations regarding the offence created under subsection (2) within six months of this section coming into force.

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- (7) The Secretary of State shall introduce regulations within six months of this section coming into force to prescribe the format of the awareness course in subsection (3)."
- (3) In section 79(4)(a), leave out "or 8(7)" and insert ", 8(7), or 8A(5)".

2 Short title, commencement and extent

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- (1) This Act may be cited as the Smoke-free Private Vehicles Act 2012.
- (2) This Act shall come into force on the day on which this Act is passed.
- (3) This Act extends to England only.

Smoke-free Private Vehicles Bill [HL]

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To amend the Health Act 2006 to make provision for a ban on smoking in private vehicles where there are children present.

Brought from the Lords, 3 September 2012.

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to be Printed, 3 September 2012.*

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