

Smoke Free Regulations in England

- From 1 July 2007, nearly all enclosed public places and work places in England will become smoke free. The relevant legislation¹ sets out broad provisions, and also provides powers to enable more detailed aspects to be dealt with in regulations.
- Versions of the regulations have been published either in finalised or in draft form: these latter do not yet have the force of law.
- This Briefing Paper outlines the position as it is expected to apply once the legislation comes into force, but should not be read as a definitive statement of the eventual position.
- The legislation to which this Briefing Paper refers will apply within England; similar but not necessarily identical legislation will apply in Wales from March 2007.

- The legislation applies to 'enclosed' or 'substantially enclosed' premises that are open to the public or that are used as a place of work by more than one person, and/or where members of the public may attend and/or receive or provide goods or services.
- Definitions are provided of 'enclosed' and 'substantially enclosed':
 - Premises 'will be considered to be enclosed if they have a ceiling or roof and, except for doors, windows or passageways, are wholly enclosed whether on a permanent or temporary basis'.
 - Premises will be considered to be 'substantially enclosed' if they have a ceiling or roof but there are permanent openings in the walls, the sizes and nature of which are defined in detail in the regulations.
 - Temporary structures such as tents, marquees etc, will fall as appropriate within these definitions.
- The regulations will set out requirements for provision of no-smoking signs. The draft regulations require all non-smoking premises:
 - to display signs equivalent to A5 size in area, carrying the international no-smoking symbol and words such as '*No smoking: It is against the law to smoke in these premises*';
 - alternative phrasing - e.g. 'this Community Centre' rather than 'these premises' - will be permitted.

¹ Part 1 of the Health Act 2006.

- A no-smoking sign will be required that, as a minimum, displays the international no-smoking symbol at a minimum of 70mm diameter, at entrances to smoke-free premises that -
 - are for staff only, or
 - are located within other smoke-free premises.

- There are particular requirements for vehicles to which the regulations apply. 'Enclosed vehicles' will be required to be smoke free if they are used -
 - By members of the public or by a section of the public (whether or not for reward or hire), or
 - In the course of paid or voluntary work by more than one person, even if those persons use the vehicle at different times or only intermittently.
 - HOWEVER, vehicles will not be required to be smoke free if they are used *primarily* for the private purposes of a person who (a) owns the vehicle, or (b) has a right to use it which is not restricted to a particular journey.

- Private dwellings will usually be exempt, although not in all circumstances - for example, a dwelling will not be exempt if:
 - parts of it are used as a place of work for more than one person who does not live in the dwelling;
 - people who do not live at the dwelling come to give or receive goods or services.

Further Information is available at www.smokefreeengland.co.uk.