



Implementation of the Smokefree Law in England, Wales & Northern Ireland

www.ash.org.uk

enquiries@ash.org.uk

Telephone: 020 7739 5902

Scope of the law

Since July 2007 smoking in virtually all enclosed public places and workplaces has been prohibited by law throughout the United Kingdom.

The smokefree law in England forms part of the Health Act 2006 and followed similar laws that were implemented in Scotland (March 2006), and Wales and Northern Ireland (April 2007).

Smoking is no longer permitted in enclosed and “substantially enclosed” workplaces, as well as in work vehicles if they are used by more than one person at any time.

The law also applies to all public places that are fully enclosed or “substantially enclosed” and all forms of public transport.

In general terms, “**substantially enclosed**” means premises with a ceiling or roof (including retractable structures such as awnings) and where there are permanent openings in the walls, other than windows or doors, which in total are less than half of the area of the walls.

So even bus stops can be required to be smokefree provided that the shelter is “substantially enclosed”.

The law does not apply to parts of places that are not “substantially enclosed” such as the seating and playing areas of many sports stadia. However the managers of such premises may choose to impose restrictions on smoking.

Exemptions

There are very few exemptions to the law and where they exist they do not apply to the whole premises but only to “designated rooms”.

Designated rooms can include bedrooms in hotels and guest houses, cells in prisons and rooms set aside only for smoking in care homes and hospices. In England there is no longer an exemption for designated rooms in mental health institutions.

Other exemptions:

Private dwellings are exempt, except in rooms which are used solely as places of work, for example, where a room is reserved for childminding or music lessons. Where work is undertaken solely to provide personal care for a person living in the dwelling, assist with domestic work, or to maintain the building or other services in the dwelling, the private dwelling is not considered to be a workplace and is exempt from the smoke-free legislation. In England and some other administrations, common entrance areas to private dwellings (passageways, stairways and lifts that are places of work for more than one person) in multiple occupation buildings such as blocks of flats or halls of residence are required to be smoke-free.

In England, smoking may be permitted by persons participating in a performance, e.g. acting in a play, if appropriate for the artistic integrity of the performance for that person to smoke. This exemption does not apply to other countries of the United Kingdom.

Compliance & Enforcement

Anyone who is in control of a business, premises or vehicle is required to ensure that no-one smokes where it is against the law to do so.

In order to be able to comply they need to take reasonable steps which can include:

- Ensuring that staff, customers, visitors and members of the public are aware that premises and vehicles are legally required to be smokefree and that no-one smokes in them.
- Displaying the legally required no- smoking signs at all of the entrances to their buildings and inside their work vehicles.
- Identifying areas inside their premises where smoking might be taking place and displaying additional no-smoking signs, or installing smoke detectors and alarms.
- Including the requirements in their personnel procedures and being prepared to use their disciplinary procedures if necessary.

Local authorities have the power to enforce the smoke-free legislation, although it has been found that the vast majority of premises are able and willing to comply voluntarily and there is little need for enforcement measures.

In England there is a Smokefree Compliance Line for members of the public to report any breaches of the law. The number is: 0800 587 1667.

Offences

Offences for which individuals can be fined or prosecuted occur when the laws are not complied with in the following ways:

- Failing to display the required no-smoking signs
- Smoking in a smokefree workplace, public place or vehicle
- Failing to prevent smoking in a smokefree workplace, public place or vehicle

Sources for further information

Details of the law as it applies to each country are available from the following websites:

England: www.smokefreeengland.co.uk

Wales: www.smokingbanwales.co.uk

N. Ireland: www.spacetobreathe.org.uk

Scotland: www.tobaccoinscotland.org.uk

See also: www.smokefreeaction.org.uk for updates on the smokefree law. This includes polls, surveys and research on the health and economic impact of smokefree legislation.

See also: www.cieh.org - the website of the Chartered Institute of Environmental Health which has produced extensive guidance on compliance with the smokefree laws.