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Smoke Free Regulations (from 1 July 2007)

With effect from 1 July 2007, new regulations were introduced to protect employees and the public from the effects of second-hand ('passive') smoking.

The key points of the legislation are:

- From 1 July 2007 it is against the law to smoke in virtually all enclosed and substantially enclosed public places and workplaces.
- Public transport, and work vehicles used by more than one person also have to be smoke-free.
- 'No smoking' signs (to a specified standard) must be displayed in all smoke-free premises and vehicles.
- Staff smoking rooms and indoor smoking areas are no longer allowed.
- Managers of smoke-free premises and vehicles will have a legal responsibility to prevent people from smoking in their premises or vehicles.

There are penalties for breaking the new law:

- **For smoking in a smoke-free premises or work vehicle:** a fixed penalty notice of £50 or £200 fine if prosecuted and convicted by a court.
- **Failure to display no-smoking signs:** a fixed penalty notice of £200 on whoever manages or controls the smoke-free premises or vehicle or a maximum penalty of £1000 if prosecuted and convicted by a court.
- **Failing to prevent smoking in a smoke-free place:** on conviction by a court a maximum fine of ~~£2000~~ £2500 on whoever manages or controls the smoke-free premises or vehicle. There is no fixed penalty option.

Local councils are responsible for enforcing the new regulations

Signage

~~After~~ From 1 July 2007, all smoke-free premises must display prescribed signs at all entries to the premises, and also in the smoke-free vehicle. The signs must:

- Be a minimum of A5 in area (210mm x 148mm)
- Display the international 'no smoking' symbol (a single burning cigarette enclosed in a red circle with a red bar across it)
- Carry the words, that can be easily read, **"No smoking. It is against the law to smoke in these premises"**.

Signs can be downloaded from the www.smokefreeengland.co.uk website.

In smoke-free vehicles, a smaller sign showing the international 'no smoking' symbol must be displayed. The symbol must be at least 70mm in diameter.

Some exceptions to the new law

- Private dwellings
- Privately owned cars that are primarily used for private purposes.

In respect of employees who visit clients in their own homes, it is important that employers remember that they have a duty of care to their employees and consider how best to protect the workers against the effects of passive smoking. Guidance to the new regulations suggest that this can best be done by considering guidelines to agree with, and issue to, clients. The guidelines suggest that it might be practicable to ask clients not to smoke when the worker is present and possibly asking clients to refrain from smoking for a certain period before the worker is due to visit.

Smoke Free Policy

The NHS has produced a Smoke Free Policy for its organisations to adopt and use. A model policy largely based on the NHS policy can be found elsewhere in this section of the NYFVO website. This model is presented without any recommendation or otherwise that it be adopted. However, it is recommended that employers should have a policy on this important matter.