

# ENGLAND BECOMES SMOKEFREE 1 JULY 2007

Your guide to the new smokefree law.



# SMOKEFREE LAW AT A GLANCE

- England will become smokefree on Sunday, 1 July 2007.
- The new smokefree law is being introduced to protect employees and the public from the harmful effects of secondhand smoke.
- From 1 July 2007, it will be against the law to smoke in virtually all enclosed public places, workplaces and in public and work vehicles.
- Indoor smoking rooms in public places and workplaces will no longer be allowed.
- Managers of smokefree premises and vehicles will have legal responsibilities to prevent smoking and to ensure that no-smoking signs are displayed as required by the new law (see page 5).
- The law applies to anything that can be smoked. This includes cigarettes, pipes (including water pipes such as shisha and hookah pipes), cigars and herbal cigarettes.
- Failure to comply with the new law will be a criminal offence. Penalties and fines for smokefree offences are set out on page 7.
- Local councils will be responsible for enforcing the new law. They will offer information, advice and support to businesses to help them prepare to meet their legal obligations.

You can find out more information on the new law on the Smokefree England website at [smokefreeengland.co.uk](http://smokefreeengland.co.uk)

**Secondhand smoke contains over 4,000 chemicals. Over 50 are known to cause cancer.**

**Around 85% of secondhand smoke is invisible and odourless.**

# WHAT DOES THE NEW LAW MEAN FOR ME?

## GETTING READY TO GO SMOKEFREE

If you manage or are in charge of any premises or vehicles that the new law applies to, you will have a legal responsibility to ensure they become and remain smokefree.

To be ready for the new law when it comes into effect on Sunday, 1 July, you'll need to make sure that:

- you have all the required no-smoking signs in place
- your staff, customers, members or visitors are aware that your premises and work vehicles are legally required to be smokefree
- you have removed any existing indoor smoking rooms.

## KEEPING WORKPLACES AND WORK VEHICLES SMOKEFREE

Once the new law comes into effect, it will be the legal responsibility of whoever controls or manages smokefree premises and work vehicles to prevent people from smoking in them.

You will have to demonstrate that you have taken reasonable steps to meet the requirements of the new law. These might include:

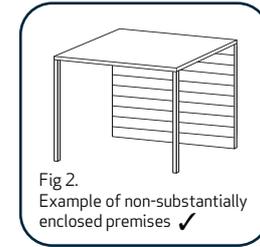
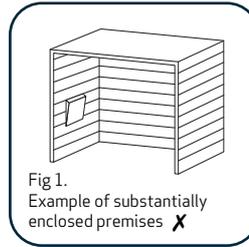
- removing ashtrays from smokefree premises
- training staff to understand the new law and what their responsibilities are
- introducing a smokefree policy – an example policy can be downloaded at **[smokefreeengland.co.uk/resources](https://smokefreeengland.co.uk/resources)**

# WHICH PLACES MUST BE SMOKEFREE?

The new smokefree law will apply to virtually all 'enclosed' and 'substantially enclosed' public places and workplaces. This includes both permanent structures and temporary ones such as tents and marquees. This also means that indoor smoking rooms in public places and workplaces will no longer be allowed.

**If you require further guidance on whether your premises are 'enclosed' or 'substantially enclosed' please contact your local council.**

There is no requirement for managers to provide smoking shelters. If you do decide to build a shelter we suggest you discuss any plans you may have with your local council, as there may be a range of issues you need to consider, including planning permission, licensing, building control, noise and litter.



Premises will be considered '**enclosed**' if they have a ceiling or roof and (except for doors, windows or passageways) are wholly enclosed either on a permanent or temporary basis.

Premises will be considered '**substantially enclosed**' if they have a ceiling or roof, but have an opening in the walls, which is less than half the total area of the walls. The area of the opening does not include doors, windows or any other fittings that can be opened or shut.

## WORKING FROM HOME

In general, the law does not cover private dwellings. However, any part of a private dwelling used **solely** for work purposes will be required to be smokefree if:

- it is used by more than one person who does not live at the dwelling
- members of the public attend to deliver or to receive goods and services.

Any enclosed or substantially enclosed part of a premises that is shared with other premises will also be required to be smokefree if it is open to the public or used as a place of work. This may include a communal stairwell or lift in a block of flats, for example.

## SMOKEFREE VEHICLES

The new law will require public transport to be smokefree. Work vehicles will be required to be smokefree if they are used in the course of paid or voluntary work by more than one person – regardless of whether they are in the vehicle at the same time.

When carrying persons, smokefree vehicles with a roof that can be stowed or removed will not be required to be smokefree when the roof is completely stowed or removed.

Vehicles that are used primarily for private purposes will not be required to be smokefree.

# WHAT SIGNAGE DO I HAVE TO DISPLAY?

All smokefree premises and vehicles will need to display no-smoking signs that meet the requirements of the new law. Signs will make it clear which premises and vehicles are smokefree and demonstrate that you are taking the necessary steps to meet the requirements of the new law.

## WHAT ARE THE REQUIRED SIGNS FOR SMOKEFREE PREMISES?

No-smoking signs will need to be displayed in a prominent position at every entrance to smokefree premises. These must meet the following minimum requirements:

- be a minimum of A5 in area (210mm x 148mm)
- display the international no-smoking symbol\* at least 70mm in diameter
- carry the following words in characters that can be easily read:

**'No smoking. It is against the law to smoke in these premises'**

A smaller sign consisting of the international no-smoking symbol at least 70mm in diameter may instead be displayed at entrances to smokefree premises that are:

- only used by members of staff, providing the premises displays at least one A5 area sign, or
- located within larger smokefree premises (for example, a shop within an indoor shopping centre).

## WHAT IS THE REQUIRED SIGNAGE FOR SMOKEFREE VEHICLES?

Smokefree vehicles will need to display a no-smoking sign in each compartment of the vehicle in which people can be carried. This must show the international no-smoking symbol at least 70mm in diameter.

## WHERE CAN I GET THE SIGNS?

Signs can be either downloaded and printed or ordered from [smokefreeengland.co.uk/resources](https://smokefreeengland.co.uk/resources) or from the Smokefree England information line on **0800 169 169 7**.

Alternatively, you are welcome to design and print your own no-smoking signs as long as they meet the minimum requirements. You are also free to personalise your signs by changing the words 'these premises' to refer to the name or type of premises, e.g. this gym.

\* The international no-smoking symbol consists solely of a graphic representation of a single burning cigarette enclosed in a red circle of at least 70mm in diameter with a red bar across it.



A5 smokefree premises sign



Symbol only sign

# HOW WILL THE NEW SMOKEFREE LAW BE ENFORCED?

Local councils will be responsible for enforcing the new law in England. In the run-up to 1 July 2007, they will work closely with businesses to help ensure everyone understands what they need to do to comply with the new law. A telephone line (0800 587 166 7) will also be in operation from 1 July 2007 to enable members of the public to report possible breaches of the law. This information will be passed to local councils to follow-up as appropriate.

## WHAT ARE THE PENALTIES?

Anyone who does not comply with the new smokefree law will be committing a criminal offence. The fixed penalty notices and maximum fine for each offence are set out below.

The fixed penalty notice includes information on the details of the offence and how payment is to be made. Anyone who receives a fixed penalty notice can choose to have the matter dealt with by a court. If a person does not pay a fixed penalty notice, the matter may also be referred to a court to be dealt with.

Offence	Who is liable?	Fixed Penalty Notice (if paid in 15 days)	Fixed Penalty Notice (if paid in 29 days)	Court awarded fine
<b>Smoking in a smokefree place</b>	Anyone who smokes in a smokefree place	£30	£50	Up to £200
<b>Failing to display required no-smoking signs</b>	Anyone who manages or occupies the smokefree premises or vehicle	£150	£200	Up to £1000
<b>Failing to prevent smoking in a smokefree place</b>	Anyone who manages or controls the smokefree premises or vehicle	N/A	N/A	Up to £2500

# WHAT SHOULD I DO IF SOMEONE SMOKES IN A SMOKEFREE PLACE I'M RESPONSIBLE FOR?

Based on experience from other countries, we are confident that people will respect the new law. However, you will need to be prepared if someone does smoke in a smokefree place you are responsible for. Our advice is to:

- draw the person's attention to the no-smoking signs and ask them to stop smoking or go outside
- point out that they are committing a criminal offence by smoking in a smokefree premises or vehicle
- remind the person that under the law you have responsibilities to prevent smoking and that you could both receive a fine.

You should consider not serving a customer who breaks the law and can ask them to leave your premises. If an employee breaks the law you may wish to consider taking disciplinary action.

If physical violence is threatened by a person smoking, we suggest you notify and/or seek assistance from the police.

A downloadable flowchart, which suggests reasonable steps you could take is available at **[smokefreeengland.co.uk/resources](https://smokefreeengland.co.uk/resources)**

# ARE THERE ANY EXEMPTIONS FROM THE NEW LAW?

Only a few premises will be exempt from the new smokefree law, and all exemptions are subject to the strict conditions outlined on page 10. It will be the legal responsibility of anyone who controls or manages the premises to ensure that these conditions are met and that other enclosed or substantially enclosed parts of the premises are kept smokefree at all times.

- Exemptions are provided to allow managers to designate specific guest bedrooms for smoking in hotels, inns, hostels, guesthouses and members' clubs that provide accommodation.
- Care homes, hospices and prisons may designate either bedrooms or rooms to be used only for smoking, for use by persons over 18 years of age.
- Residential mental health units are subject to this same exemption but will become smokefree on 1 July 2008.
- Offshore installations, such as oil rigs, may also designate rooms to be used only for smoking.

- Specialist tobacconist shops may allow people to sample cigars or pipe tobacco within the shop premises.
- Research and testing facilities may designate certain rooms for smoking only while the rooms are being used for research or testing activities specified in the law.

In those instances where a 'room to be used only for smoking' may be designated, this means that the room is not allowed to be used for any other purpose, for example, as a television room or library.

Any room where smoking is permitted must:

- be designated in writing by the person in charge of the premises (does not apply to specialist tobacconist shops)
- have a ceiling and, except for doors and windows, be completely enclosed on all sides by solid floor-to-ceiling walls
- not have ventilation systems that ventilate into any other part of the premises (except other rooms designated for smoking) or into any other smokefree premises
- have mechanically closing doors, which should also be compatible with other requirements, including fire regulations (does not apply to prisons)
- be clearly marked as a room in which smoking is permitted.

There is no legal obligation for any premises with exemptions to create designated smoking bedrooms or rooms if they do not wish to do so. Employers will also continue to have legal responsibilities to protect the health, safety and welfare of their employees under health and safety at work laws. See [hse.gov.uk](http://hse.gov.uk) for more details.

There is also an exemption in relation to performances, where the artistic integrity makes it appropriate for a person taking part to smoke. This applies only during the performance, not rehearsals. The performer and any person that controls or manages the premises must meet the requirements of the new law and risk being fined or prosecuted if these requirements are not met.

If you require further advice on exemptions, we suggest you speak to your local council.

# HELP FOR SMOKERS WHO WANT TO QUIT

Around 70% of smokers say they want to stop smoking, and the new smokefree law could provide extra motivation to do so. If you'd like to help your staff or customers become non-smokers, there is excellent free support available from the NHS. This includes:

- **Local NHS Stop Smoking Services** – call the NHS Smoking Helpline (0800 169 0 169), visit [gosmokefree.co.uk](http://gosmokefree.co.uk) or text 'GIVE UP' and your full postcode to 88088 for details of your local service.
- **NHS Smoking Helpline** – individuals can speak to a specialist adviser by calling 0800 169 0 169 (lines are open daily from 7am to 11pm).
- **gosmokefree.co.uk** – an online resource for all the advice, information and support needed to stop and stay stopped.
- **Together** – call the NHS Smoking Helpline (0800 169 0 169) or visit [gosmokefree.co.uk](http://gosmokefree.co.uk) for details of this interactive support programme, which includes emails, text messages, mailing packs and phone calls to help individuals stop smoking.

Employers can speak to their NHS Stop Smoking Service about support for their employees during or outside working hours.

New guidance from the National Institute for Clinical Excellence (NICE) will advise employers on how to help employees stop smoking. Visit [nice.org.uk](http://nice.org.uk) for more information.

For further advice and information on the new smokefree law or to request alternative formats, please contact:

- Smokefree England information line **0800 169 169 7**
- Visit our website **[smokefreeengland.co.uk](http://smokefreeengland.co.uk)**
- Or speak to your local council.