



LEGAL BRIEFING – June 2007

ARE YOU READY FOR THE SMOKING BAN?

On 1st July 2007 smoking will be prohibited in England in all public spaces and workplaces that are enclosed or “substantially enclosed”. This ban is very wide-ranging and includes:

- Any premises which more than one person uses as a place of work
- Premises where members of the public go to receive goods or services – e.g. bars, private clubs and restaurants.
- An office in a private house if someone who does not live in the house works there.
- Any vehicle used as a workplace
- A marquee or tent (unless the openings in the walls are less than half of total area of those walls).

Smoking will be allowed in a structure that has a roof but no walls, but if the sides that are open to the elements consist of less than 50 per cent of the total wall space, the prohibition will apply as the building will be considered to be “substantially enclosed”. In other words, if you want a hospitality tent that is acceptable for smokers, roll up three of the sides.

There are very few exemptions but they do include bedrooms in hotels, guest houses and prisons which are designated as rooms used for smoking.

It will be a legal requirement to display no smoking signs where smoking is prohibited and the signs have to meet a statutory requirement – minimum A5 size displaying a no smoking symbol with the words “No smoking. It is against the law to smoke in these premises”.

Employers should be preparing now for the ban since failure to do so could result in complaints from employees. So, be sure to include a no smoking policy in your company handbook and explain the rules to your staff.

Any business that either fails to display the no smoking signs or permits smoking in a smoke free area can be liable to a fine. It will also be an offence to smoke in a smoke free area.

Attached is a ready-to-print sign that meets the legal requirements.



NO SMOKING

It is against the law to
smoke in these premises