

Smoke Free Workplaces

- The Smoking (NI) Order 2006
- The Smoke Free (Exemptions in vehicles) Regulations 2007.
- The Smoke Free (Signs) Regulations (NI) 2007.
- The Smoke Free (Premises, Vehicle Operators and Penalty Notices) Regulations (NI) 2006.
- The Smoke Free (Exemptions, Vehicles, Penalties and Discounted Amounts) Regulations (NI) 2007

Smoking

Smoking or being in possession of “lit”:-

- Tobacco
- Anything which contains tobacco
- Any other substance

Smoke Free Premises

- Premises which are open to the public.
- Premises which are a place of work.
- Enclosed or substantially enclosed premises.
- Premises are smoke free only in those areas which are enclosed or substantially enclosed
- Premises are enclosed if:-
 - they have a ceiling or roof; and
 - apart from windows, doors and passage ways, are wholly enclosed, either permanently or temporary.

Smoke Free Premises (2)

- Premises are substantially enclosed if they have a ceiling or roof, but there is
 - an opening in the walls; or
 - an aggregated area of opening in the walls which is less than half of the area of the walls, including other structures that serve the purpose of walls and constitute the parameter of the premises.

Exemptions from Smoke Free Premises

- Private accommodation.
- Designated bedrooms in hotels, members clubs etc.
- Designated rooms in care homes, hospices, prison, mental health units, specialist tobacconists, research or testing facilities.

Smoke Free Vehicles

- Enclosed vehicles used;
 - to carry members of the public;
 - in the course of work by more than one person.

No Smoking Signs

- Premises – display
 - at each entrance to smoke free premises;
 - prominent position;
 - prescribed A5 size and content;
- Vehicles - display
 - in compartment which accommodates persons a smoke free symbol.

Offences and Penalties

- Fixed Penalty Notices.
- Failure to prevent – criminal conviction.
- Guidance at www.dhsspsni.gov.uk/

Further Consideration

- Make a disciplinary offence to smoke.
- No smoking policies.
- Legislation is a legal over-ride of any contractual/implied contractual rights to a smoking room.
- Decide whether to allow smoke breaks, if so, when and how.

