

General information

Find out general information on the smokefree legislation such as ventilation, smoking restrictions, support available etc.

[Read general information about smokefree environments](#)

When is smokefree legislation going to be implemented?

The legislation will come into force at 6am on 1st of July 2007.

What is the aim of smokefree legislation?

The new law will protect all people in virtually all enclosed public places and workplaces, including many work vehicles, from the harmful effects of secondhand smoke.

What does the new law do?

Smokefree legislation will mean that virtually all enclosed public places and workplaces will become smokefree. This means:

- . it will be an offence to smoke in smokefree premises or vehicles
- . it will be an offence for those who control or manage smokefree premises or vehicles to permit others to smoke in the premises or vehicle
- . it will be an offence for people who occupy or manager smokefree premises or vehicles to not display the required no-smoking signs at the premises or within the vehicle

Is secondhand smoke really that harmful?

Secondhand smoke kills. The Government's independent Scientific Committee on Tobacco and Health concluded in 2004 that exposure to secondhand smoke contributes to a range of serious medical conditions, including:

- . lung cancer
- . heart disease
- . asthma attacks
- . childhood respiratory disease
- . sudden infant death syndrome, and
- . reduced lung function

In 2006, the US Surgeon General concluded that:

- . secondhand smoke causes premature death and disease in children and adults who do not smoke
- . children exposed to secondhand smoke are at an increased risk for sudden infant death syndrome (SIDS), acute respiratory infections, ear problems and more severe asthma. Smoking by parents causes respiratory symptoms and slows lung growth in children
- . exposure of adults to secondhand smoke has immediate adverse effects on the

- cardiovascular system and causes coronary heart disease and lung cancer
- the scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke

_The World Health Organisation has classified secondhand smoke as a known human carcinogen. The US Environmental Protection Agency classified secondhand smoke as a "class A" human carcinogen along with asbestos, arsenic, benzene and radon.

What sort of smoking will smokefree legislation cover?

The legislation covers the smoking of tobacco or anything that contains tobacco, or smoking any other substance, including manufactured cigarettes, hand-rolled cigarettes, pipes and cigars. __This means that anything that is smoked is covered by smokefree legislation, including manufactured and hand-rolled cigarettes, pipes, cigars, herbal cigarettes and water pipes (including shisha, hookah and hubble-bubble pipes).

Will this include cigar loungers and water pipe (shisha, hookah, hubble-bubble) bars and cafes?

Yes, the legislation covers virtually all enclosed workplaces and public places, including cigar lounges and water pipe bars and cafes.

Some people say that smoking will be banned outdoors, like in the streets outside of pubs.

Smokefree legislation covers enclosed and substantially enclosed public places and workplaces. __The Health Act 2006 also includes powers to make non-enclosed places smokefree if there is "significant risk that, without designation, persons present there would be exposed to significant quantities of smoke". At present, the Government does not intend to make any non-enclosed place smokefree. __The Government is not taking away people's choice to smoke, but recognises that exposing others to secondhand smoke, especially within enclosed environments, is seriously harmful to health.

What is the definition of 'enclosed' and 'substantially enclosed'?

The Health Act 2006 sets out that premises that are open to the public, or are used as a place of work (by more than one person or where members of the public might attend to receive or provide goods or services) are to be smokefree in areas that are enclosed or substantially enclosed.

Enclosed - Premises will be considered to be enclosed if they have a ceiling or roof and, except for doors, windows or passageways, are wholly enclosed, whether on a permanent or temporary basis. Tents, marquees and similar structures will also be classified as enclosed premises if they fall within this definition.

Substantially Enclosed - Premises are substantially enclosed if they have a ceiling or roof, but there are permanent openings in the walls which are less than half of the total areas of walls, including other structures which serve the purpose of walls and constitute

the perimeter of premises. This is known as the 50% rule.

When determining the area of an opening, no account can be taken of openings in which doors, windows or other fittings that can be open or shut. A roof includes any fixed or movable structures, such as canvas awnings.

[View the Smoke-free \(Premises and Enforcement\) Regulations](#) (new window)

Why are ventilated smoking rooms not an alternative?

Evidence shows that ventilation does not provide a solution to eliminating the health risks associated with secondhand smoke. Scientists have shown that to remove the risks of secondhand smoke, an enclosed premises would need wind tunnel-like rates of ventilation, which would then make smoking nearly impossible.

You can read more about this in the joint 2003 report from the Health and Safety Authority and the Office of Tobacco Control in the Republic of Ireland titled The Health Effects of Environmental Tobacco Smoke in the Workplace.

[Report on the health effects of environmental tobacco smoke \(ETS\) in the workplace \(pdf, 252KB\)](#)

How will smokefree legislation impact on the hospitality industry?

There is international evidence from countries that have introduced legislation for smokefree public places and workplaces that the overall impact of smokefree legislation on the hospitality industry is not detrimental. Importantly, smokefree legislation will be good for the health of hospitality workers and patrons. In June 2006, The British Institute of Innkeeping's magazine said that:

"...we are talking about bannign the use of carcinogenic substance which in enclosed spaces kills or damages the health of passive smokers - that means licensees and bar staff and customers. This is a scientific fact, and we should bear this in mind along with the economic arguments".

What support is available for people deciding to quit smoking?

The NHS provides a wide range of excellent and easily accessible smoking cessation services including; local NHS Stop Smoking Services, The Together Programme, and Nicotine Replacement Therapy (NRT) available on prescription.

Business owners, employers and individuals are encouraged to contact NHS if they would like advice on supporting staff who would like to quit.
Call NHS Smoking Helpline on 0800 169 0169, or visit www.gosmokefree.co.uk (new window)

Has the introduction of smokefree legislation been successful in other countries?

Across the world, as the evidence of the risks associated with secondhand smoke

exposure has accumulated, action has been taken to reduce people's exposure to secondhand smoke.

Ireland (2004), Norway (2004), Scotland (2006), New Zealand (2004), various Canadian territories and Australian states are examples of places which have introduced comprehensive smokefree legislation (including smokefree pubs, bars and restaurants).

In America, California has had state-wide smokefree public places since 1998 and New York City passed smokefree legislation in 2003. Today, over nine US states have smokefree legislation that required completely smokefree restaurants and bars.

Comprehensive smokefree legislation has proved to be effective in protecting people from the health risks of secondhand smoke. For example, research published in The Journal of the American Medical Association found rapid and significant improvement in respiratory health of bartenders after the implementation smokefree workplace legislation in California.

Locations

Answers to common questions regarding how the new legislation will impact different locations such as home, work, sports stadiums and other public places.

[Read more about smokefree locations](#)

Business

How do I develop a smokefree policy?

To communicate smokefree legislation and ensure employees are aware of new requirements, you may wish to consider developing a written smokefree policy for your workplace.

Effective smokefree policies:

- . acknowledge the right of employees to work in a smokefree environment;
- . are concise and simple to understand;
- . identify the members of management and staff who have responsibility for the implementation of the policy;
- . identify the outside areas where people can smoke;
- . provide information on how to obtain help to quit smoking;
- . be prepared by consulting with members of staff; and
- . be communicated to all members of staff (including new members of staff before they start work).

You will need to decide how to deal with non-compliance with your smokefree policy and how the policy fits within your existing health and safety, and HR policies.

[Download a sample smokefree policy here \(PDF\) \(12.07kb\)](#)

What about a smoking shelter?

There is no requirement to provide smoking shelters. It is common for health-focused employers not to spend money creating places for smokers to congregate. If you do have an outsider smoking shelter or area, you will need to be sure that it is not "enclosed" or "substantially enclosed" under the definitions are set out in the Smokefree (Premises and Enforcement) Regulations.

[View the Smoke-free \(Premises and Enforcement\) Regulations \(new window\)](#)_

My workplace is already smokefree. Will I have to do anything to get ready for smokefree legislation?

You will have to make sure that your business is compliant with the requirements of smokefree legislation. Employers, managers and those in charge of smokefree premises and vehicles will need to:

- . ensure that required no-smoking signs are displayed in smokefree premises and vehicles
- . take reasonable steps to ensure that staff, customers/members and visitors are aware that premises and vehicles are legally required to be smokefree
- . ensure that no one smokes in smokefree premises or vehicles

Guidance about smokefree legislation will be available around Easter that will explain exactly what you need to do.

Will there be support for business?

Yes. Businesses are encouraged to sign up for guidance, which will include no-smoking signs so they receive this information as soon as it becomes available.

Register to stay informed

No-smoking signs and other resources, will also be available to download on this site once all regulations are finalised.

You can also call the Smokefree England Information Line on 0800 169 169 7 if you have any queries or wish to register to receive information by post or email.

Home

Will my home be required to be smokefree?

No. The Government has no intention to make private dwellings and private residential spaces smokefree, except for parts of dwellings used solely as a place of work by more than one person.

I work from home, will it be required to be smokefree then?

It depends. Regulations propose that any parts of a dwelling will be required to be smokefree if they are used solely as a place of work for:

- i. more than one person who does not live in the dwelling,

- ii. a person who does live at the dwelling and any person who does not, or
- iii. any person whether they live at the dwelling or not, if people who do not live at the dwelling come to give or receive goods or services.

Sports stadiums

Does this legislation cover sports stadiums?

Many sports stadiums are already smokefree.

When smokefree legislation comes into force, only parts of stadiums that are enclosed or substantially enclosed will be required to be smokefree.

General

I don't like breathing smoke outdoors either, why does this legislation apply to indoors only? Does smokefree legislation apply to outdoor places?

The Health Act only requires enclosed or substantially enclosed parts of premises that are public places or workplaces to be smokefree. The Health Act does include powers to make non-enclosed places smokefree if there is a significant risk that people there might be exposed to significant quantities of smoke. The Government, however, has no plans to make any non-enclosed places smokefree at the present time.

Is this just about smoking in pubs?

No. Virtually all enclosed workplaces and public places, including offices, factories, restaurants, pubs, schools, public transport, membership clubs and shopping malls are covered by smokefree legislation, meaning the enclosed parts of these places will become completely smokefree when the legislation is implemented on 1 July 2007.

There will be limited exemptions from smokefree legislation which are set out in the proposed Smoke-free (Exemptions and Vehicles) Regulations.

[View the Smoke-free \(Exemptions and Vehicles\) Regulations \(new window\)](#)

Sometimes smoke blows back through my office window. Can they be made to smoke away from the building?

The provisions made under the Health Bill only pertain to enclosed and substantially enclosed workplaces and public places. Employers and business owners will continue to have responsibilities under Health and Safety legislation and will need to consider any issues that might arise and take the most appropriate action.

Exemptions

Smokefree legislation makes some specific exemptions for certain premises.

[Read more about exemptions](#)

What places are exempt under the draft regulations?

The Choosing Health White Paper made a commitment that special arrangements may be needed for certain workplaces when considering the legislation. The limited exemptions from smokefree legislation are set out in the proposed Smoke-free (Exemptions and Vehicles) Regulations. In most cases, exemptions do not apply to the entirety of premises, but rather limits smoking within premises to "designated rooms", that must meet certain requirements.

[View the Smoke-free \(Exemptions and Vehicles\) Regulations \(new window\)](#)

Am I going to be guaranteed a smokefree hotel room? What is to stop the hotelier letting the room as smoking one day and smokefree the next?

While smokefree legislation will not guarantee that people will get a smokefree hotel room, the regulations will require that hotel proprietors specifically designate the hotel rooms that are not smokefree and ensure that hotel rooms for smoking are clearly sign posted.

I am a health visitor, can I insist the client stop smoking when I visit them at home?

Smokefree legislation will not require people to not smoke in private dwellings. You might find the advice in the The Royal College on Nursing's excellent guide Protecting community staff from exposure to second-hand smoke: RCN best practice guide for staff and managers helpful for how community-based staff can be protected from secondhand smoke during their work.

Vehicles

Answers to common questions regarding how smokefree England will impact vehicles used for work.

[Read more about vehicles](#)

I am a mini cab driver, can I smoke in my own vehicle if I don't have any passengers?

No. Under the Government's proposed smokefree regulations, all vehicles used for public transport will be required to be smokefree at all times. This will mean that a member of the public can be sure that the public transport they use will be free from hazardous secondhand smoke at all times.

[View the Smoke-free \(Exemptions and Vehicles\) Regulations \(new window\)](#)

Will the regulations include all company vehicles?

Where a vehicle is used as a workplace by more than one person, regardless of whether they are in the vehicle at the same time, it will be required to be smokefree at all times. This protects all workers who use the vehicle from harmful secondhand smoke, regardless of when they use the vehicle.

Smoking will be permitted in vehicles that are for the sole use of the driver and are not used as a workplace by anyone else, either as a driver or passenger. Smokefree legislation will not apply to vehicles that are used primarily for private rather than work purposes.

I share a company vehicle with one other person. We are both smokers and want to smoke in that vehicle. Why shouldn't we?

This legislation has been developed to protect both smokers and non-smokers from secondhand smoke. As the vehicle is part of the workplace it falls within the legislation and is required to be smokefree.

Can I smoke in my privately owned vehicle?

Yes, the regulations do not extend to vehicles used primarily for private purposes.

Can you smoke on train platforms?

Whether a train platform was required to be smokefree would depend on whether the platform was substantially enclosed or not. Many train stations have a no smoking for example, smoking is not allowed anywhere on the London Underground or at Liverpool Street Station.

No-smoking signs will indicate which areas are smokefree.

Enforcement

Your questions answered regarding how smokefree England legislation will be enforced and penalties for non compliance.

[Read more about smokefree enforcement](#)

Who's going to enforce the smokefree regulations ?

Smokefree legislation will be enforced by local authorities, within the areas for which they have responsibilities. The Smoke-free (Premises and Enforcement) Regulations specify the bodies that will be enforcement authorities for smokefree legislation.

[View the Smoke-free \(Premises and Enforcement\) Regulations \(new window\)](#)

What is the Government's attitude towards the enforcement of smokefree legislation?

The Government's intention is to create a supportive environment where people are encouraged to comply with the new law. Experience in other countries that have implemented smokefree legislation shows that compliance builds very quickly after implementation.

The approach to enforcement will be non-confrontational, focused on raising awareness and understanding to ensure compliance, and enforcement officers will work closely with local businesses to build compliance through education, advice and support. We expect that enforcement action will be considered only when efforts to encourage compliance have failed.

Funding has been provided to local authorities to support them in their new enforcement roles.

What are the proposed penalty amounts?

The Government has proposed the following penalties and fines for the smokefree offences set out in the Health Act 2006:

- . Smoking in a smokefree premises or vehicle: a fixed penalty notice of £50 (discounted to £30 if paid within 15 days from the issue of a notice) or a fine not exceeding level 1 on the standard scale (up to £200)
- . Failure to display no smoking signs in smokefree premises and vehicles as required by smokefree legislation: a fixed penalty notice of £200 (discounted to £150 if paid within 15 days from the issue of a notice) or a fine not exceeding level 3 on the standard scale (up to £1000)
- . Failing to prevent smoking in a smokefree premises or vehicle: a fine not exceeding level 4 on the standard scale (up to £2500)

Fines are very well, but if the publican of my local persistently fails to provide a smokefree environment, shouldn't they lose their licence?

There is no provision in smokefree legislation for smokefree offences to result in a review of a pub's licence. We believe the penalties are a sufficient deterrent, and we expect that pubs and other hospitality venues will want to comply with the legislation to make their premises a better and more healthy place to visit and work.

Who do I call if I see someone smoking - is there going to be an 0800 number?

Yes a phone-line will be created to support local authorities in building compliance in their local areas. Further details will be made available in due course.

How soon after the smokefree legislation has been implemented will enforcement officers be inspecting workplaces for compliance?

Smokefree England and enforcement officers from local authorities will be working closely with businesses in the lead up to implementation to build understanding of the requirements of the legislation and will be on-duty to ensure compliance is maintained once the legislation comes into force on 1st July 2007.

Signage

Your questions answered on signage requirements of the new legislation and how to obtain correct signage for your purposes.

[Read more about signage](#)

Will there be requirement for no-smoking signs in smokefree areas?

Yes. All smokefree premises and vehicles will have to display no-smoking signs that meet the requirements that are set out in the proposed Smoke-free (Signs) Regulations.

[View the Smoke-free \(Signs\) Regulations \(new window\)](#)

What signage will I need to display?

Under the Health Act, it will be against the law not to display required no-smoking signs from 1 July 2007.

The Government is proposing the following signage requirements under smokefree legislation:

a. No-smoking signs in smokefree premises

The regulations will require all smokefree premises to display a no-smoking sign in a prominent position at each entrance that:

- a. is the equivalent of A5 in area,
- b. displays the international no-smoking symbol in colour, a minimum of 70mm in diameter, and
- c. carries the words in characters that can be easily read:

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

On the sign, the words "these premises" may be changed to refer to the particular premises where the sign is displayed, for example "this hotel" or "this NHS clinic".

The regulations also set out that a no-smoking sign that simply displays the international no-smoking symbol in colour, a minimum of 70mm in diameter is the minimum requirement at entrances to smokefree premises which:

- a. are for staff only (on the basis that the premises displays at least one A5-sized sign with words, as set out above), or
- b. are located within other smokefree premises (for example, a shop within an indoor shopping centre).

b. No-smoking signs in smokefree vehicles

The regulations will require any person with management responsibilities for a smokefree vehicle to have legal duties to display a no-smoking sign in each enclosed compartment that can accommodate people. These no-smoking signs must simply display the international no-smoking symbol in colour, a minimum of 70mm in diameter.

[View the draft Smoke-free \(Signs\) Regulations \(63.11kb\)](#)

How will I get the right signage?

The Department of Health will make signs that meet the requirements of these regulations freely available (in reasonable quantities) to order after Easter. Signs will also be included with the guidelines that will also be made available.

Also, signage will be sold through commercial providers.

Will trains and trucks that travel between England and Scotland need two sets of signage?

The no-smoking sign requirements for vehicles in Scotland's smokefree legislation will also meet the signage proposals set out in the proposed regulations in England.

When will these details about signage be confirmed?

The regulations were published by the Government in their final draft form in December 2006 and will apply to England only. Due to the nature of the requirements that these regulations propose, the Government is currently providing European Union nations with the opportunity to comment on the proposals under European Commission requirements, before the regulations are made.

[View the Smoke-free \(Signs\) Regulations \(new window\)](#)