

The No Smoking Legislation and your Business

As you are no doubt aware the new 'no smoking' laws will be introduced on 1st July this year and will apply to places of work. Similar rules apply in Wales from 2nd April 2007

We have put a Managers Toolkit together for ELE members entitled 'Smoking Ban'. You can access this Managers Toolkit via your ELE account in the normal way.

The Toolkit gives you the key information about no smoking in premises and vehicles and the effect of the new legislation including potential penalties. There are also useful downloads and signposts for employees wishing to stop smoking plus links to foreign language leaflets for foreign workers.

The following is an **extract** from **The 'Smoking Ban' Managers Toolkit** in members' ELE account:

Introduction:

The new 'no smoking' laws will be introduced on 1st July 2007 and will apply to places of work. Similar rules apply in Wales from 2nd April 2007

Nearly all enclosed and substantially enclosed public places and workplaces in England, including enclosed parts of vehicles, are smoke free as from 6am on 1st July 2007.

Premises: must be smoke-free when open to the public or all the time "if they are used as a place of work -

- (i) By more than one person (even if the persons who work there do so at different times, or only intermittently), or
- (ii) Where members of the public might attend for the purpose of seeking or receiving goods or services from the person or persons working there (even if members of the public are not always present)".

"Work" specifically includes voluntary work (Health Act 2006 s.2 (8).)

Vehicles: smoking is not allowed in vehicles if used by members of the public whether or not for reward or hire or are used "in the course of paid or voluntary work by more than one person (even if those persons use the vehicle at different times, or only intermittently)" However, a vehicle which is used primarily for the private purposes of its owner will not count as being used "in the course of paid or voluntary work".

Penalties: Special provision is made for fixed penalties to apply in most cases of infringement, with special discounts for prompt payment. Therefore, provided they pay the appropriate fixed penalty within the specified period (basically 29 days), those who breach the regulations will not be formally prosecuted and will not get a

criminal record. The smoke-free regulations are made under provisions of the Health Act 2006.

You may well have received a government Stop Smoking Pack by now but if you need extra help we recommend these online resources:

1. Guidance as to what is an [enclosed space and a checklist](#) for complying with the new legislation.
2. Downloadable materials such as [posters, signage and booklets](#) and the [Everything You Need Guide](#) including foreign language leaflets.

Extract ends:

Notes for Employers and Managers:

To request a Live demonstration of our online employment law service and to find out how it can make your life easier, please contact us on **0870 300 3809** for a free, no obligation discussion. Alternatively, you can view the video demonstration available on our website.
