

2007 No. 134

PUBLIC HEALTH

The Smoke-Free (Signs) Regulations (Northern Ireland) 2007

Made - - - - - *5th March 2007*

Coming into operation *30th April 2007*

The Department of Health, Social Services and Public Safety^(a), makes the following Regulations in exercise of the powers conferred by Articles 7(2), (3), and (4) and 15(1) of the Smoking (Northern Ireland) Order 2006^(b):

Citation, commencement, and interpretation

1.—(1) These Regulations may be cited as the Smoke-Free (Signs) Regulations (Northern Ireland) 2007 and shall come into operation on 30th April 2007.

(2) In these Regulations—

“the Order” means the Smoking (Northern Ireland) Order 2006;

“entrance” means an entrance for use by persons;

“no-smoking symbol” means a symbol which consists of a graphic representation of a single burning cigarette enclosed in a red circle of at least 75 millimetres in diameter with a red bar across it;

“smoke-free premises” means all public places and workplaces other than those that are exempt by virtue of regulations made under Article 4 of the Order; and

“smoke-free vehicle” means a vehicle which is smoke-free by virtue of Regulations made under Article 6 of the Order.

No-smoking signs in premises

2.—(1) Except where paragraphs (3) and (4) apply, at each entrance to smoke-free premises there shall be displayed in a prominent position at least one no-smoking sign which—

(a) is a flat, rectangle sign that is not less than 148 millimetres by 210 millimetres;

(b) displays the no-smoking symbol; and

(c) contains in characters that can be easily read the following words—

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

(2) For the words required by paragraph (1)(c) there may be substituted words which differ only in that for “these premises” there are substituted words which refer to the particular smoke-free premises in which a sign is displayed (such as “this hotel”).

(3) This paragraph applies to an entrance which is—

(a) an entrance to smoke-free premises from other smoke-free premises; or

^(a) See S.I. 1999/283 (N.I. 1); Article 3(6)

^(b) S.I. 2006/2957 (N.I. 20)

(b) an entrance solely for persons to their place of work where that place is in premises which have another entrance at which there is displayed in a prominent position a sign which complies with paragraphs (1) and (2).

(4) Where paragraph (3) applies, a no-smoking sign which displays only the no-smoking symbol may be displayed in a prominent position at an entrance instead of a no-smoking sign which complies with paragraphs (1) and (2).

No-smoking signs in vehicles

3.—(1) Any person with management responsibilities for a smoke-free vehicle shall be under a duty corresponding to that in Article 7(1) of the Order to make sure that at least one no-smoking sign is displayed in a prominent position in each compartment of his vehicle.

(2) In paragraph (1)—

“compartment” includes each part of a vehicle which—

(a) is constructed or adapted to accommodate persons; and

(b) is, or may from time to time be, wholly or partly covered by a roof;

“no-smoking sign” means a sign which displays the no-smoking symbol; and

“roof” includes any fixed or moveable structure or device which is capable of covering all or part of a compartment, including any canvas, fabric or other covering, but where a vehicle is engaged in conveying persons, it does not include any fixed or moveable structure or device which is completely stowed away so that it does not cover all or any part of a compartment.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 5th March 2007.

(L.S.)

Andrew Elliott

A senior officer of the Department of Health, Social Services and Public Safety

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations are made under powers contained in the Smoking (Northern Ireland) Order 2006, and contain requirements which relate to the display of no-smoking signs in smoke-free premises and vehicles.

Regulation 2 contains requirements for no-smoking signs in smoke-free premises. Paragraphs (1) and (2) require a no-smoking sign which consists of the no-smoking symbol and words which state that it is against the law to smoke in the premises. That sign is required at all entrances to smoke-free premises except those at which the no-smoking symbol alone may be displayed under paragraphs (3) and (4). The exception applies to entrances to smoke-free premises from other smoke-free premises and to secondary entrances to smoke-free premises which are used only by persons who work in them. The words “no-smoking symbol” are defined in regulation 1(2).

Regulation 3 contains requirements for no-smoking signs in vehicles. By paragraph (1) any person with management responsibilities for a smoke-free vehicle must display a no-smoking sign in each compartment of his vehicle. Paragraph (2) defines “compartment” to include each part of a vehicle used to accommodate persons which has a roof; “no-smoking sign” as a sign which displays the no-smoking symbol and “roof” to include retractable roofs, except for fully stowed retractable roofs on vehicles which are engaged in conveying people.

These Regulations were notified in draft to the European Commission in accordance with Article 8 of the European Parliament and Council Directive 98/34/EC laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on information society services (O.J No. L204, 21.7 1998, p. 37), as amended by the European Parliament and Council Directive 98/48/EC (O.J No. L217, 5.8 1998, p. 18).