
EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations provide exemptions from the smoke-free requirements of Article 3 of the Smoking (Northern Ireland) Order 2006 (“the Order”) and provide for most public and work vehicles to be smoke-free under the Order.

Regulation 3 exempts private accommodation other than any part of it which is shared with other premises or is used solely as a place of work in the circumstances set out in paragraph (1)(b). Paragraph (2) excludes from the meaning of work for this purpose the provision of personal care, assistance with domestic work, the maintenance of the structure or fabric of the building and the installation, maintenance and removal of services.

Regulation 4 exempts designated bedrooms in hotels, guest houses, inns, hostels and members' clubs. Paragraph (2) defines “designated bedroom” for the purposes of the exemption.

Regulation 5 exempts designated bedrooms and smoking rooms in nursing homes, residential care homes and hospices. Paragraph (3) defines “designated room” for the purposes of the exemption.

Regulation 6 exempts Prisons, Young Offenders Centres and Remand Centres, with the exception of social clubs, sports clubs and visitors centres.

Regulation 7 exempts until 30th April 2008 designated detention cells in police stations and interview rooms in CARE suites.

Regulation 8 exempts until 30th April 2008 exercise areas in police stations.

Regulation 9 exempts specialist tobacconists. By paragraph (2) specialist tobacconist has the same meaning as in section 6(2) of the Tobacco Advertising and Promotion Act 2002.

Regulation 10 exempts designated rooms in research and testing facilities. For the purposes of this exemption paragraph (2) sets out the meaning of research and tests and paragraph (3) defines “designated room”.

Regulation 11 exempts until 30th April 2008 designated rooms in residential accommodation in Mental Health Units.

Regulation 12 provides for most enclosed vehicles which are used by the public or used for work purposes to be smoke-free.

Regulation 13 specifies the amount of fixed penalties under paragraph 5 of, and discounted amounts under paragraph 8 of, Schedule 1 to the Order.

Regulation 13(1) provides that where the fixed penalty procedure is used for an alleged offence relating to the display of no-smoking signs—

- (a) the fixed penalty is £200; and
- (b) the discounted amount is £150.

Regulation 13(2) provides that where the fixed penalty procedure is used for an alleged offence of smoking in a smoke-free place—

- (a) the fixed penalty is £50; and
- (b) the discounted amount is £30.