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STATUTORY RULES OF NORTHERN IRELAND

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**2007 No. 138**

**The Smoke-free (Exemptions, Vehicles, Penalties and Discounted Amounts) Regulations (Northern Ireland) 2007**

**PART 2**

**EXEMPTIONS**

**Other residential accommodation**

**5.—(1)** A designated room that is used as accommodation for persons aged 16 years or over in the premises specified in paragraph (2) is not smoke-free.

(2) The specified premises are—

- (a) residential care homes;
- (b) nursing homes; and
- (c) hospices which as their whole or main purpose provide palliative care for persons resident there who are suffering from progressive disease in its final stages.

(3) In this regulation—

“designated room” means a bedroom, or a room used only for smoking which—

- (a) has been designated in writing by the person in charge of the premises in which the room is situated as being a room in which smoking is permitted;
- (b) has a ceiling and, except for doors and windows, is completely enclosed on all sides by solid, floor-to-ceiling walls;
- (c) does not have a ventilation system that ventilates into any other part of the premises (except any other designated room) or other premises;
- (d) does not have any door that opens onto smoke-free premises which is not mechanically closed immediately after use; and
- (e) is clearly marked as a room in which smoking is permitted;

“nursing home” has the same meaning as in Article 11 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003(1); and

“residential care home” has the same meaning as in Article 10 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003.

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**Commencement Information**

**II** [Reg. 5](#) in operation at 30.4.2007, see [reg. 1\(1\)](#)

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**Changes to legislation:** *The Smoke-free (Exemptions, Vehicles, Penalties and Discounted Amounts) Regulations (Northern Ireland) 2007, Section 5 is up to date with all changes known to be in force on or before 06 October 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- reg. 5(1) text amended by [S.R. 2008/307 reg. 2\(2\)](#)