



Health Act 2006

2006 CHAPTER 28

PART 1

SMOKING

CHAPTER 1

SMOKE-FREE PREMISES, PLACES AND VEHICLES

Smoke-free premises, etc.

2 Smoke-free premises

- (1) Premises are smoke-free if they are open to the public.

But unless the premises also fall within subsection (2), they are smoke-free only when open to the public.

- (2) Premises are smoke-free if they are used as a place of work—
- (a) by more than one person (even if the persons who work there do so at different times, or only intermittently), or
 - (b) 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).

They are smoke-free all the time.

- (3) If only part of the premises is open to the public or (as the case may be) used as a place of work mentioned in subsection (2), the premises are smoke-free only to that extent.
- (4) In any case, premises are smoke-free only in those areas which are enclosed or substantially enclosed.

Status: Point in time view as at 01/07/2007. This version of this provision has been superseded.

*Changes to legislation: There are currently no known outstanding effects
for the Health Act 2006, Section 2. (See end of Document for details)*

- (5) The appropriate national authority may specify in regulations what “enclosed” and “substantially enclosed” mean.
- (6) Section 3 provides for some premises, or areas of premises, not to be smoke-free despite this section.
- (7) Premises are “open to the public” if the public or a section of the public has access to them, whether by invitation or not, and whether on payment or not.
- (8) “Work”, in subsection (2), includes voluntary work.

Commencement Information

- I1** S. 2 in force for certain purposes at Royal Assent, see s. 83
- I2** S. 2 in force at 2.4.2007 for W. in so far as not already in force by [S.I. 2007/204](#), **art. 2(a)**
- I3** S. 2 in force at 1.7.2007 for E. in so far as not already in force by [S.I. 2007/1375](#), **art. 2(a)**

Status:

Point in time view as at 01/07/2007. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Health Act 2006, Section 2.