

# Smoking Enforcement of Legislation

Bradford Area Occupational Health and  
Safety Forum

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# Smoking

## Enforcement of Legislation

Premises where smoking will be banned

∅ All enclosed public places and workplaces

From July 2007

### *Includes*

Private clubs

### *Excludes*

∅ Certain places where a person may have his home – e.g. prison, care home, hotel

# Smoking

## Enforcement of Legislation

### Offences under the legislation

- ∅ Smoking on premises where the ban applies (Health Bill section 7 (2))
- ∅ Allowing smoking on such premises 8 (1)
- ∅ Not displaying signs 6 (1)

# Smoking Enforcement of Legislation

## *Fixed Penalties*

- ∅ Authorised officer may give out Fixed Penalty Notices to persons allowing smoking or to person smoking*
- ∅ Up to £2500 for not enforcing the ban*
- ∅ Up to £1000 for not displaying signs*

# Smoking Enforcement of Legislation

- Ø Regulations currently being drawn up
- Ø DOH has announced a 3 month consultation period

# Smoking Enforcement of Legislation

- Ø Scottish legislation comes into force on 26 March 2006.

# Smoking

## Enforcement of Legislation

- Ø Enforcement will be carried out by Environmental Health staff – where they have powers of entry
- Ø Not yet stated how enforcement will be carried out where EH does not have right of access – e.g. a factory

# Smoking Enforcement of Legislation

## Possible routes of enforcement

Routine inspections of premises for food and health and safety matters - **smoking contraventions spotted**

Complaints from employees/public etc