

Smoking FAQs

From 1st of July 2007 virtually all enclosed public places and workplaces in England will become smokefree. A smokefree England will ensure a healthier environment, so everyone can socialise, relax, travel, shop and work free from secondhand smoke.

Below are some answers to some frequently asked questions about the new legislation.

Q1 When will the smoke free law come into effect?

06:00am on the 1st July 2007

Q2 Why do we need this legislation?

The new law will protect all people in virtually all enclosed public places and workplaces, including many work vehicles, from the harmful effects of secondhand smoke.

Q3 Is secondhand smoke really that harmful?

Secondhand smoke kills. The Government's independent Scientific Committee on Tobacco and Health concluded in 2004 that exposure to secondhand smoke contributes to a range of serious medical conditions, including:

- lung cancer
- heart disease
- asthma attacks
- childhood respiratory disease
- sudden infant death syndrome, and
- reduced lung function

In 2006, the US Surgeon General concluded that:

- secondhand smoke causes premature death and disease in children and adults who do not smoke
- children exposed to secondhand smoke are at an increased risk for sudden infant death syndrome (SIDS), acute respiratory infections, ear problems and more severe asthma. Smoking by parents causes respiratory symptoms and slows lung growth in children
- exposure of adults to secondhand smoke has immediate adverse effects on the cardiovascular system and causes coronary heart disease and lung cancer
- the scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke

The World Health Organisation has classified secondhand smoke as a known human carcinogen. The US Environmental Protection Agency classified secondhand smoke as a "class A" human carcinogen along with asbestos, arsenic, benzene and radon.

Q4 Is this just about smoking in pubs?

No. Virtually all enclosed workplaces and public places, including offices, factories, restaurants, pubs, schools, public transport, membership clubs and shopping malls are covered by smokefree legislation, meaning the enclosed parts of these places will become completely smokefree when the legislation is implemented on 1 July 2007.

There will be limited exemptions from smokefree legislation which are set out in the proposed Smoke-free (Exemptions and Vehicles) Regulations.

Q5. What workplaces will be covered by the legislation?

A. The legislation covers all premises, which are wholly or substantially enclosed, and used as a place of work by more than one person. Smoking rooms will no longer be allowed.

Essentially it ensures that almost all workers, regardless of their place of work, would be protected from the risks to health of exposure to tobacco smoke and guaranteed the right to smoke-free air.

Q6. What does 'substantially enclosed' mean?

A. It is proposed that premises will be considered substantially enclosed if they have a ceiling or roof, and the openings in the walls are less than half the total area of the walls. A roof includes any fixed or moveable structure or device, e.g. retractable canvas awning, capable of covering all or part of the premises. Smoking will be allowed in shelters which are not substantially enclosed.

Q7. What will the smoke-free legislation mean in practice to employers, owners and managers?

A. Employers, owners and managers must ensure their premises are smokefree. Proposed actions include putting up 'no smoking' signs which meet the following minimum standards:

- displayed at each public entrance to the premises
- in a position that is prominently visible to persons entering the premises
- are A5 (148mm by 210mm) in size
- include the international red "no smoking" symbol and the words: "No smoking. It is against the law to smoke in these premises."

Q8. What about vehicles?

It is proposed that vehicles used at a workplace by more than one person, regardless if they are not in the vehicle at the same time, will also have to be smoke-free at all times. This is because tobacco smoke is absorbed into soft furnishings and stays around for weeks long after a cigarette has been stubbed out. All vehicles will need to display 'no-smoking' signs.

Q9. Are there any exemptions?

A. Exemptions are proposed in certain establishments where people live and which are also workplaces, eg prison cells, hospices and long stay residential homes. However this does not mean that smoking is allowed throughout the premises. Instead, in premises with exemptions, employers will have to identify 'designated smoking rooms' which meet the following specifications:

- Is completely enclosed, except for windows / doors, on all sides by solid floor to ceiling and walls

- The ventilation system does not ventilate into any other smoke-free part of the premises
- If a door opens onto smokefree premises, it can be closed by mechanically means to prevent smoke drift
- Is clearly marked as a room in which smoking is permitted
- It is up to the management of individual buildings to decide if visitors will be allowed to access smoking rooms. The exemption exists for residents only and therefore and should not be used by staff. There is no obligation for employers of exempt places to have 'smoking rooms' if they do not wish to do so.

Q10. Will employers be required to provide external smoking areas?

There is no legal requirement for employers to provide designated external smoking areas, e.g. smoking shelters.

Q11. What are the penalties for non compliance?

Each local authority will identify enforcement officers, e.g. environmental health officers, who will be authorised to issue the following penalties. The final penalty amount will be decided by a Court rather than the local authority:

- Failure to display minimum no smoking signs: up to £1000 or a fixed penalty notice of £200
- Smoking in a no-smoking place: up to £200 or a penalty notice of £50
- Failing to prevent smoking in a smoke-free place: up to £2500

Q12. What help is there for staff who want to stop smoking?

A. Call **0800 085 2903** for free advice, information and support on stopping smoking. The service covers one to one or group support and offers advice and tips for beating cravings and weight gain. Specialist help is also available for pregnant smokers, under-age smokers, parents of children under 5 years and cardiac rehabilitation patients. <http://www.kingston.gov.uk/leafletdec2005.pdf>

Q13. What help is available to make my business smokefree?

A. Businesses wishing to request further information about the Government's smokefree legislation can now call a freephone helpline. The Smokefree England Information Line was launched to enable companies to register for guidance and support. Over time, businesses will be able to order resources such as posters, brochures, signage and guidance material via this route. The telephone number is 0800 169 1697 and is available from 8am-6pm Monday to Friday

Further information on smoking policies and how to go smoke free can be found at:

- [Chartered Institute of Environmental Health](#)
- [SmokeFree Action](#)
- [National Clean Air Awards](#)

Q14 Who do I call if I see someone smoking?

An 0800 phone-line will be created to support local authorities in their compliance work and further details will be made public in due course

More FAQs:

General information

Find out general information on the smokefree legislation such as ventilation, smoking restrictions, support available etc.

[Read general information about smokefree environments](#)

Locations

Answers to common questions regarding how the new legislation will impact different locations such as home, work, sports stadiums and other public places.

[Read more about smokefree locations](#)

Exemptions

Smokefree legislation makes some specific exemptions for certain premises.

[Read more about exemptions](#)

Vehicles

Answers to common questions regarding how smokefree England will impact vehicles used for work.

[Read more about vehicles](#)

Enforcement

Your questions answered regarding how smokefree England legislation will be enforced and penalties for non compliance.

[Read more about smokefree enforcement](#)

Signage

Your questions answered on signage requirements of the new legislation and how to obtain correct signage for your purposes.

[Read more about signage](#)

For more information about smoke free England go to

<http://www.smokefreeengland.co.uk/>