L.N. 414 of 2004

TOBACCO (SMOKING CONTROL) ACT (CAP. 315)

Smoking in Premises Open to the Public Regulations, 2004

IN exercise of the powers conferred by article 9 of the Tobacco (Smoking Control) Act, the Minister of Health, the Elderly and Community Care has made the following regulations:–

Title.

1. The title of these regulations is the Smoking in Premises Open to the Public Regulations, 2004.

Interpretation.

2. In these regulations, unless the context otherwise requires:

"employee" means a person who is employed by an employer;

"designated smoking room" means an enclosed room that is designated for smoking;

"responsible person" means any person who is ultimately responsible for any establishment to which these regulations apply and shall include any person acting on his behalf or any employer;

"premises" means catering premises and other similar premises from which food and drink are served to the public either with or without payment;

"employer" means a person who employs one or more persons and includes such person as may ultimately be in charge of any premises;

"smoking" includes the carrying of any lighted tobacco product;

"workspace" means any indoor or other enclosed space where employees perform their duties as employees, and includes any adjacent corridor, lobby, stairwell, elevator, lift, cafeteria, washroom or other common area frequented by such employees during the course of their employment.

3. Smoking is hereby banned in any enclosed private or public premises which is open to the public except in designated smoking rooms. Ban on smoking in enclosed establishments.

4. Designated smoking rooms shall: Designated smoking rooms.

(i) be totally separate from areas or rooms normally occupied by non smokers; and

(ii) have walls from floor to ceiling; and

(iii) have all apertures leading onto other closed areas, or rooms, tight fitting and that they shall be kept so closed while the premises are open for business; and

(iv) be clearly marked as being reserved for persons who smoke; and

(v) be situated in such a manner that they do not require non-smokers to pass through them.

5. It shall be the duty of the responsible person to: Duty of responsible person.

(a) designate rooms for smoking;

(b) adopt measures to ensure that smoking only takes place in designated smoking rooms;

(c) adopt measures to ensure that by the 5th October, 2004 the exposure of non-smokers to tobacco smoke in designated smoking rooms, is reduced in accordance with criteria as approved from time to time by the Superintendent of Public Health and published in the Gazette;

Provided that in the case of licensed premises whose area is less than sixty square meters, the responsible person shall adopt the measures referred to in paragraph (c) hereof by the 5th April 2005.

6. No person shall smoke in any workspace or public place except in a designated smoking room. Smoking prohibited in any workspace.

7. These regulations shall not apply to individual rooms in any accommodation premises used for sleeping purposes and which are occupied solely by smoking patrons: Exemption.

Provided that this exemption does not affect other rooms occupied or which may be occupied by non-smokers.

Other laws and regulations.

8. These regulations shall be without prejudice to other laws and regulations enacted to protect further the health of the community from the effects of exposure to tobacco smoking.

Repeals L.N. 145 of 2004.

9. The Smoking in Public Places Regulations, 2004 are hereby repealed.

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