

L.N. 244 of 2003

**TOBACCO (SMOKING CONTROL) ACT
(CAP. 315)**

Smoking in Public Places Regulations, 2003

IN exercise of the powers conferred by article 9 of the Tobacco (Smoking Control) Act, the Minister of Health has made the following regulations:-

Title and
commencement.

1. (1) The title of these regulations is the Smoking in Public Places Regulations, 2003.

(2) These regulations shall come into force on the 5th April, 2004.

Interpretation.

2. In these regulations -

“Act” means the Tobacco (Smoking Control) Act;

“designated smoking area” means an area other than an enclosed room, that is designated for smoking;

“designated smoking room” means an enclosed room that is designated for smoking;

“employee” means a person who is employed by an employer;

“employer” means a person who employs one or more persons and includes the person who is ultimately in charge of any place;

“smoking” includes the carrying of any lit tobacco product;

“work space” means any indoor or other enclosed space which employees perform the duties of their employment, 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.

Smoking
prohibition
in enclosed areas.

3. (1) Smoking is banned to the public in enclosed premises which form part of the public or private establishment listed in the Schedule hereto.

(2) There shall be made provision for areas to be clearly defined as being reserved for smokers in any of the establishments referred to in sub-regulation (1) hereof.

(3) Notwithstanding the provisions of sub-regulations (1) and (2) hereof, in the event of conflict between smokers and non-smokers in any area other than such as are reserved for smokers, a smoker shall desist from smoking in that area.

4. (1) An employer or a person acting on his behalf shall ensure that persons refrain from smoking in any work space or public area which is under the control of the said employer. Employer's responsibility.

(2) An employer shall designate special areas for smoking and such areas shall be totally separate from areas normally occupied by non-smokers.

(3) It shall also fall within the responsibility of an employer to ensure that in such areas as are mentioned in sub-regulation (2) hereof, the exposure of non-smokers to tobacco smoke is reduced or minimised, and that employees shall not be required to enter such rooms even if in the course of their duties.

5. (1) No person shall smoke in any work space or public place under the control of an employer except in a designated smoking room or designated smoking area. Smoking in work space or public place.

(2) An employer shall clearly inform employees and members of the public of the prohibition imposed by sub-regulation (1) hereof and of the location, if any, of designated smoking room and designated smoking areas which are under the control of the employer by posting clearly visible signs, as appropriate or as may be prescribed.

6. The foregoing provisions of these regulations shall not affect the operation of any other law, regulation or rule, or penalty ensuing therefrom, in relation to the further protection of persons from exposure to tobacco smoke. Saving.

SCHEDULE

Regulation 3(1)

Enclosed public and private establishments

1. Any establishments where services are provided to the public, whether for a charge or free of charge, including the sale of goods;
2. Hospitals, establishments where health care is given and all other medical establishments;
3. Establishments where elderly persons are received;
4. Schools and other premises where children or young people are received or housed;
5. Enclosed establishments where higher education and vocational training are given;
6. Enclosed establishments used for entertainment, radio and television studios open to the public, and in any television studio during any debate, discussion or other programme broadcast locally for public viewing whether live or pre-recorded;
7. Establishments where exhibitions are held;
8. Establishments and places where sports are practised;
9. Premises of ports and airports.