



## **Sproull Solicitors LLP Fact Sheet**

### **The Health Act 2006**

The Health Act 2006 received Royal Assent on 19 July 2006 and contains a number of provisions relating to health in particular the ban on smoking from 1<sup>st</sup> July 2007 onwards.

The Act introduces the concept of “smoke free premises” which are defined as follows:-

- Premises open to the public, whether by invitation or not, and whether upon payment or not (but only while open to the public, unless they are also a workplace)
- Premises used as a place of work (including voluntary work) by more than one person (even if those who work there do so at different times, or only intermittently)
- Premises used as a place of work where members of the public might attend for the purpose of seeking or receiving goods or services from those working there (even if members of the public are not always present)

The ban only covers premises that are enclosed or are “substantially enclosed”, (please note this has been left to be defined in future regulations) and where premises are only partly used as a workplace.

Anyone who occupies or is concerned in the management of smoke free premises will have a duty to put up “no smoking” signs or risk a fine in the Magistrates Court. The Act also provides for a fixed penalty to be issued by an authorised officer of an enforcement authority.

Anyone who controls or is concerned in the management of smoke free premises will have a duty to prevent anyone smoking on the premises. Failing to comply with this duty could also result in a fine in the Magistrates Court.

Smoking in smoke free premises will also be a criminal offence punishable by a fine in the Magistrates Court or by a fixed penalty which can be issued by an authorised officer of an enforcement authority.

It should be noted that there will be universal no smoking signs which are not yet available as they are still under discussion.