

SmokeFree Coventry

Achieving a Smoke Free Workplace

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www.smokefreecoventry.org.uk

Exemptions

The Government has proposed a number of exemptions from smokefree legislation, for premises that would otherwise be required to be entirely smokefree in enclosed parts.

The limited exemptions from smokefree legislation are set out in the Smoke-free (Exemptions and Vehicles) Regulations 2007. In most cases, exemptions do not apply to the entirety of premises, but rather limits smoking within premises to "designated rooms", that must meet certain requirements.

Private Dwellings.

The regulations set out that private dwellings will not be required to be smokefree, with the exception of:

- a. any parts of a dwelling which are used solely as a place of work for:
 - i. more than one person who does not live in the dwelling,
 - ii. a person who does live at the dwelling and any person who does not, or
 - iii. any person whether they live at the dwelling or not, if people who do not live at the dwelling come to give or receive goods or services.
- b. any parts of a premises that are used in common by more than one premises (for example, a common indoor stairwell in a block of flats or a communal kitchen/lounge in a student accommodation).

The regulations will not restrict people from smoking in any part of their private dwellings used for work, if the work is undertaken solely to:

- a. provide personal care for someone living in the dwelling,
- b. assist with the domestic work of the household in the dwelling,
- c. maintain the dwelling, or
- d. install, maintain or remove any service provided to the dwelling for the benefit of people living there.

In the regulations, private dwellings also include self-contained residential accommodation for temporary or holiday use (such as a holiday cottage or caravan rented in its entirety for private residential use), as well as any other structures such as garages or sheds that are for the exclusive use of persons living in the dwelling.

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Accommodation for guests and members.

The regulations allow for designated bedrooms in hotels, guest houses, inns, hostels and members' clubs to be smoking rooms if they meet conditions set out in the regulations, including being designated in writing by the person in charge of the premises.

Dormitory rooms, or other rooms used for shared accommodation must always be smokefree.



Other residential accommodation.

The regulations allow either for designated bedrooms to be smoking rooms, or for designated rooms used only for smoking in care homes, hospices and prisons if they meet conditions set out in the regulations, including being designated in writing by the person in charge of the premises. Designated rooms are only for persons over the age of 18 years.

Research and testing facilities.

The regulations allow for designated rooms in a research or testing facility to be not smokefree during the time it is being used for research or tests.

Temporary exemption for residential mental health units.

The regulations allow either for designated bedrooms to be smoking rooms, or for designated rooms used only for smoking in mental health units that provide residential accommodation if they meet conditions set out in the regulations, including being designated in writing by the person in charge of the premises. Designated rooms are only for persons over the age of 18 years. This exemption is only temporary, and will cease on 1 July 2008 (after this date, all residential mental health units will be required to be smokefree in any enclosed parts).

Specialist tobacconists.

The regulations allow for the shops of specialist tobacconists (as defined in the Tobacco Advertising and Promotion Act 2003) to be not smokefree for the time they are used for persons sampling cigars and pipe tobacco, if certain conditions are met.

Performers.

Where the artistic integrity of a performance makes it appropriate for a person who is taking part in that performance to smoke, the regulations permit smoking in that instance.

The Smoke-free (Exemptions and Vehicles) Regulations 2007