
DRAFT STATUTORY INSTRUMENTS

2006 No.

The Smoking (Northern Ireland) Order 2006

Smoke-free premises, etc

Smoke-free premises

3.—(1) Premises are smoke-free if they are open to the public; but unless the premises also fall within paragraph (2), they are smoke-free only when open to the public.

(2) Premises are smoke-free if they are used as a place of work—

- (a) by more than one person (even if the persons who work there do so at different times, or only intermittently), or
- (b) where members of the public might attend for the purpose of seeking or receiving goods or services from the person or persons working there (even if members of the public are not always present).

They are smoke-free all the time.

(3) If only part of the premises is open to the public or (as the case may be) used as a place of work mentioned in paragraph (2), the premises are smoke-free only to that extent.

(4) In any case, premises are smoke-free only in those areas which are enclosed or substantially enclosed.

(5) Regulations may specify what “enclosed” and “substantially enclosed” mean.

(6) Article 4 provides for some premises, or areas of premises, not to be smoke-free despite this Article.

(7) Premises are “open to the public” if the public or a section of the public has access to them, whether by invitation or not, and whether on payment or not.

Exemptions

4.—(1) The Department may make regulations providing for specified descriptions of premises, or specified areas within specified descriptions of premises, not to be smoke-free despite Article 3.

(2) In particular, regulations under paragraph (1) may specify premises where a person has his home, or is living whether permanently or temporarily.

(3) The power to make regulations under paragraph (1) is not exercisable so as to specify any description of—

- (a) premises in respect of which a licence (including an occasional licence) under the [Licensing \(Northern Ireland\) Order 1996 \(NI 22\)](#) is in force;
- (b) premises of a club registered under the [Registration of Clubs \(Northern Ireland\) Order 1996 \(NI 23\)](#).

(4) But paragraph (3) does not prevent the exercise of that power so as to specify any area, within a specified description of premises mentioned in paragraph (3), where a person has his home, or is living whether permanently or temporarily.

(5) The regulations may provide, in relation to any description of premises or areas of premises specified in the regulations, that the premises or areas are not smoke-free—

- (a) in specified circumstances,
- (b) at specified times,
- (c) if specified conditions are satisfied,

or any combination of those.

(6) The conditions may include conditions requiring the designation in accordance with the regulations, by the person in charge of any premises, of any rooms in which smoking is to be permitted.

Additional smoke-free places

5.—(1) The Department may make regulations designating as smoke-free any place or description of place that is not smoke-free under Article 3.

(2) The place, or places falling within the description, need not be enclosed or substantially enclosed.

(3) The Department may designate a place or description of place under this Article only if satisfied that, without the designation, persons present there would be likely to be exposed to smoke.

(4) The regulations may provide for such places, or places falling within the description, to be smoke-free only—

- (a) in specified circumstances,
- (b) at specified times,
- (c) if specified conditions are satisfied,
- (d) in specified areas,

or any combination of those.

Vehicles

6.—(1) The Department may make regulations providing for vehicles to be smoke-free.

(2) The regulations may in particular make provision—

- (a) for the descriptions of vehicle which are to be smoke-free,
- (b) for the circumstances in which they are to be smoke-free,
- (c) for them to be smoke-free only in specified areas, or except in specified areas,
- (d) for exemptions.