
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply only to England, provide exemptions from the smoke-free requirements of section 2 of the Health Act 2006 and provide for most public and work vehicles to be smoke-free under section 5 of that Act.

Regulation 3 exempts residential accommodation other than any part of it which is shared with other premises or is used solely as a place of work in the circumstances set out in paragraph (1)(b). Paragraph (2) excludes from the meaning of work for this purpose the provision of personal care, assistance with domestic work, the maintenance of the structure or fabric of the building and the installation, maintenance and removal of services.

Regulation 4 exempts designated bedrooms in hotels, guest houses, inns, hostels and members' clubs. Paragraph (2) defines "designated bedroom" for the purposes of the exemption.

Regulation 5 exempts designated bedrooms and smoking rooms for adults in care homes, hospices and prisons. Paragraph (3) defines "designated room" for the purposes of the exemption.

Regulation 6 provides a personal exemption for persons who are taking part in a performance where the artistic integrity of the performance makes it appropriate for them to smoke. This exemption does not apply to other persons who are present during the performance.

Regulation 7 exempts specialist tobacconists. By paragraph (2) specialist tobacconist has the same meaning as in section 6(2) of the Tobacco Advertising and Promotion Act 2002.

Regulation 8 exempts designated smoking rooms in offshore installations. Paragraph (2) defines "designated room" for the purposes of the exemption.

Regulation 9 exempts designated smoking rooms in research and testing facilities. For the purposes of this exemption paragraph (2) sets out the meaning of research and tests and paragraph (3) defines "designated room".

Regulation 10 exempts until 1st July 2008 designated rooms for adults in accommodation in mental health units.

Regulation 11 provides for most enclosed vehicles which are used by the public or used for work purposes to be smoke-free, but aircraft and most ships and hovercraft are excluded. "Vehicle" is defined in section 5(5) of the Health Act 2006 to include trains.

A Regulatory Impact Assessment has been prepared for these Regulations and a copy has been placed in the library of each House of Parliament. Copies can be obtained from the Smokefree Legislation Team, Room 712, Department of Health, Wellington House, 133-155 Waterloo Road, London SE1 8UG.