



### **Health Act 2006 — smoke-free premises**

Section 2 of the Health Act provides that premises shall be smoke-free if open to the public. The provisions will be brought into force on 1 July 2007.

The Act creates offences of smoking in a public place, and of failing to prevent smoking in a public place. Those who control or are concerned with the management of those premises must stop any person who is smoking there from doing so.

Many church premises, and certainly all places of worship, are and always have been smoke-free. However, churches may have control over places such as halls where smoking has been allowed, and this must be prevented in all premises when the Act comes into force.

The Act also provides that any person who occupies or is concerned in the management of smoke-free premises must ensure that compliant 'no-smoking' signs are displayed in accordance with Regulations. The Smoke-free (Signs) Regulations 2007 stipulate the type, size and wording of the signs, and that they must be displayed prominently at each entrance. Signs can be purchased from office suppliers.

The signs must be displayed although smoking has never been tolerated within church buildings.

"smoke" and "smoking" and other related expressions are defined in Section 1(2) of the Act.

The definitions in Section 1(2) of the Act are:

- (a) "smoking" refers to smoking tobacco or anything which contains tobacco, or smoking any other substance, and
- (b) "smoking" includes being in possession of lit tobacco or of anything lit which contains tobacco, or being in possession of any other lit substance in a form in which it could be smoked.

It is not our understanding that this could be interpreted to prohibit the burning of incense.