



FREQUENTLY ASKED QUESTIONS

The Smokefree law

When did the Smokefree law start?

The Health Act 2006 and associated regulations came into force on Sunday 1 July 2007.

Does the law just apply to cigarettes?

No, it covers all substances that a person can smoke. These include manufactured cigarettes, hand rolled cigarettes, pipes, cigars, herbal cigarettes and water pipes (including shisha, hookah and hubble-bubble pipes). At the University of Sussex this also includes the use of all electronic cigarettes.

Work premises and public places

Which places must be smokefree?

The smokefree law applies to virtually all 'enclosed' and 'substantially enclosed' public places and workplaces. This includes both permanent structures and temporary ones such as tents and marquees.

Premises will be considered 'enclosed' if they have a ceiling or roof and (except for doors, windows or passageways) are wholly enclosed either on a permanent or temporary basis. Premises will be considered 'substantially enclosed' if they have a ceiling or roof, but have an opening in the walls, which is less than half the total area of the walls. The area of the opening does not include doors, windows or any other fittings that can be opened or shut.

Do the University's student residences count as public places?

Yes. All of the accommodation residences both on and off campus, including bedrooms, kitchens and common areas, are designated as smokefree.

I work from home. Will it be required to be smokefree?

If more than one person uses any part of a private dwelling solely as a place of work, it will be required to be smokefree.

Work vehicles

I share a work vehicle with another smoker. Can we still smoke?

No, the law is designed to protect smokers and nonsmokers from secondhand smoke. Smoking will be permitted only in work vehicles that are for the sole use of the driver and are not used by anyone else for work, either as a driver or passenger.

Can I smoke in my own car?

Yes, the law doesn't cover vehicles used primarily for private purposes.

I occasionally use my private car for work. Will it need to be smokefree?

No, vehicles used primarily for private purposes will not need to be smokefree.

Managers' responsibilities

Who is responsible for ensuring that University buildings and vehicles remain smokefree?

If you manage or are in charge of any premises or vehicles that the law applies to, you will have a legal responsibility to ensure they become and remain smokefree.

What should I do if a member of staff smokes in a smokefree place I'm responsible for?

- Draw the person's attention to the no smoking signs and ask them to stop smoking or go outside.
- Point out that they are committing a criminal offence by smoking in a smokefree premises or vehicle.
- Remind the person that under the law you have responsibilities to prevent smoking and that you could both receive a fine.
- If physical violence is threatened by an employee, notify and/or seek assistance from the campus Security services.
- If an employee breaks the law, you may wish to consider taking disciplinary action.

What should I do if a customer or visitor smokes in a smokefree place I'm responsible for?

- Draw the person's attention to the no smoking signs and ask them to stop smoking
- Point out that they are committing a criminal offence by smoking in a smokefree building or vehicle.
- Remind the person that under the law you have responsibilities to prevent smoking and that you could both receive a fine.
- Consider not serving or providing services to a customer who is breaking the law.
- If a customer or visitor continues to smoke, you can ask them to leave your premises.

Enforcement of the law

How is the smokefree law enforced?

Local councils are responsible for enforcing the law in England. They have the power to appoint enforcement officers, such as environmental health officers, trading standards or local community support officers. Their approach to enforcement is based on supporting businesses to comply with the law. However, they do have the legal power to enter premises or board vehicles to determine if the law is being upheld.

What are the penalties for breaking the law?

Anyone who does not comply with the new smokefree law will be committing a criminal offence. The fixed penalty notice and maximum fine for each offence are set out below

Offence	Who is liable	Fixed penalty notice (if paid in 15 days)	Fixed penalty notice (if paid in 29 days)	Court awarded fine
Smoking in a smoke freeplace	Anyone who smokes in	£30	£50	Up to £200

	a smokefree place			
Failing to display required no smoking signs	Anyone who manages or occupies the smokefree premises or vehicle	£150	£200	Up to £1000
Failing to prevent smoking in a smokefree place	Anyone who manages or controls the smokefree premises or vehicle	N/A	N/A	Up to £2,500

Where can I get information on giving up smoking?

See www.smokefree.nhs.uk/resources

You can also ask your local council for advice and support.