

## Advice relating to churches and church halls 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 draft Smoke-free (Signs) Regulations stipulate the type, size and wording of the signs, and that they must be displayed prominently at each entrance, described as:

“Display a no-smoking sign in a prominent position at each entrance that:

- a. is the equivalent of A5 in area,
- b. displays the international no-smoking symbol in colour, a minimum of 70mm in diameter, and
- c. carries the words in characters that can be easily read:  
“No smoking. It is against the law to smoke in these premises”.  
On the sign, the words “these premises” may be changed to refer to the particular premises where the sign is displayed, for example “this hotel” or “this NHS clinic”.”

The requirement to display signs appears reasonable in relation to places of work and other premises where smoking was previously allowed, but not so in relation to places of worship where smoking has never been tolerated. The Church Times of 9 March 2007 quoted a Department of Health official as saying that a notice can be posted ‘discreetly’ near, i.e. not necessarily at the church entrance. As yet we do not have confirmation that posting on a suitably placed notice board or free standing sign would be seen as adequate, which would of course minimise the aesthetic impact. The Council for the Care of Churches is currently making representations to the Government about this, and they will keep dioceses informed about developments. Once we have an official answer we will update this advice sheet accordingly.

It is not our understanding that this Act could be interpreted to prohibit the burning of incense on the grounds that the definitions in the Act at Section 1(2) state:

- (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.

Section 1(3) In this Chapter, "smoke" and other related expressions are to be read in accordance with subsection (2).