

# **SMOKE FREE REGULATIONS**

## **KEY POINTS**

Regulations which came into effect from 5<sup>th</sup> April in Wales and 1<sup>st</sup> July 2007 in England and specify premises which must be smoke-free.

- Internal common parts of block of flats must be smoke-free by law.
- Residents who smoke in common parts can be prosecuted by the Local Authority and fined.
- Signage announcing smoke-free premises must be placed in all blocks with internal common parts. There are different regulations about signage for England and Wales.
- It is an offence not to display the signs.
- Whether you agree or disagree the Law your Landlord and Managing Agents have a duty to prevent anyone from smoking in common parts of blocks of flats. If they do not challenge smokers they can be fined.

## **IMPACT ON BLOCKS OF FLATS**

The enclosed common internal parts of blocks of flats are designated as smoke-free premises. It does not matter whether someone is working in them or not. External porches if less than 50% open sided must also be smoke-free.

Resident Management Companies, Landlords or their Agents have to display no-smoking signs that meet the requirements of regulations.

If there is an office within a block for a member of staff, say a porter or concierge, then that also must be smoke-free. If there are rooms used by employees only (perhaps store rooms or meter rooms) they also must be smoke-free.

## **IMPACT ON OWNERS OF FLATS**

Private dwellings are exempt. The regulations do not prevent Lessees from smoking in the privacy of their own flats. But you must not smoke in the internal common areas of the block, it is against the Law. Please put out your cigarette at the front entrance of the block if you do not do so already. Lessees that smoke in the common areas can be fined if prosecuted by the Local Authority.

If you continue to smoke in the common areas of the block your Landlord, Resident Management Company's Directors or your Agent have to challenge you to stop. If they do not then they can be fined a significant amount, if prosecuted, for failure to prevent smoking in smoke-free premises.

Also bear in mind that if you want a member of staff or your Managing Agent to visit you in your home and you are a smoker, the Law puts a duty on their employer to consider their health and safety from smoke. Some companies may adopt policies whereby employees decline to visit or work in a flat if the resident is smoking or is a regular smoker.