

National Assembly for Wales

Report by the Local Government and Public Services Committee On *The Smoke-free Premises etc (Wales) Regulations 2007*

The Committee considered the Regulations at its meeting on 6 December 2006.

Members requested clarification on:

- The exact definition of a “substantially enclosed space” and whether this included structures such as bus shelters
- The exact definition of a “public vehicle” for the purposes of the regulations
- With regard to the request of some organisations for a ‘sunset clause’ on signage requirements, and the Department of Health’s commitment to a full review of smoke-free legislation three years after implementation - whether the Assembly had powers to undertake its own review of the legislation in Wales with a view to making any amendments deemed necessary

In response in Committee the following points were made:

- The definition of a “substantially enclosed space” used the amount of wall area of a structure as the criteria for whether or not it was subject to enforcement under the regulations. It would be a matter of judging whether the wall area of a structure was more than 50 per cent “enclosed”, in which case it would be covered by the regulations. The criteria were consistent with smoke-free legislation in Scotland, England and Northern Ireland and had been developed in light of problems in Ireland, where designs had been developed with the aim of circumventing the regulations. Guidance to accompany the regulations would give examples to address this issue.
- The guiding principles behind the definition of public vehicles were that public transport and shared workplace vehicles should be smoke-free. Problems had been anticipated with people sharing a private car to attend a business meeting, and an amendment had been proposed that was consistent with Scottish and English smoke-free legislation to clarify the fact that such private cars would be exempt.
- The introduction of a ‘sunset clause’ for signage was not in the hands of the Assembly as it arose from the Health Act 2006 and related to the definition of an offence taking place in a signed premises. It was therefore a matter for the UK Government Department of Health, rather than a function of the Secretary of State for Wales that could potentially be subject to a Transfer of Functions Order. The issue of signage had been raised in consultation and attempts had been made to minimise the burden on operators of public vehicles by simplifying signage requirements.
- The question was also raised of whether the proposed date for implementation in Wales, 2 April 2007, should be reviewed now that implementation in England was known to be planned for summer 2007.

The Committee recommended approval of the Regulations as drafted.

Ann Jones AM
Chair