

Smoke Free Regulations

It was Summer 2007 when England went smoke free and the publicity was such that anyone who doesn't know that it is against the law to smoke in public buildings must have been taking their drag on a pack of Woodbines on Mars. But do you know the details of the Act and how it impacts on Residents' Management Companies (RMC's), their directors and the occupiers of flats?

The regulations do not prevent lessees and tenants from smoking in their own flats but they must not smoke in the internal common areas of the block. It is against the law! Residents who smoke in common parts can be prosecuted by the Local Authority and fined up to £200. RMC directors 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.

All smoke free premises have to display signs at the entrance to all blocks with internal common parts. The minimum size of sign and wording is set out in the legislation. The "No Smoking" sign for each entrance to blocks of flats or offices must be at least equivalent to A5 size in area and displayed in a prominent position. The sign must display the international "No Smoking" symbol in colour, which should be a minimum of 70mm (3") in diameter and the sign say in easy to read print:

**"No Smoking.
It is against the law to smoke in these premises."**

Alternatively, "these premises" can be changed to refer to "this block" or to "communal areas". If a room or office is located within the block for staff, for example an RMC or porter's office, then the signage can be simply the No Smoking symbol in colour at a minimum diameter of 70mm, assuming the main entrance has the larger sign as described above.

Once again, failure to adhere to the law can be costly. Failure to display a sign can be punished by a fine of up to £1,000 or a fixed penalty notice of £200 on the landlord, Residents' Management Company or their agent, whilst failure to prevent smoking in a smoke free place can result in a fine of up to £2,500 on the Residents' Management Company, landlord or their agent.

To find out more, visit www.smokefreeengland.co.uk

Disclaimer

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