

Legal Notice No. of 2021

ST HELENA



CONTROL OF TOBACCO AND RELATED PRODUCTS ORDINANCE, 2020

CONTROL OF TOBACCO AND RELATED PRODUCTS REGULATIONS, 2021

In exercise of the powers conferred by section 29 of the Control of Tobacco and Related Products Ordinance, 2020, the Governor in Council makes the following Regulations:

**PART I
PRELIMINARY**

Citation and commencement

1. These Regulations may be cited as the Smoke-Free Places and No-Smoking Signs Regulations, 2021.

Interpretation

2. In these Regulations—

“**A5 size**” means an area of any shape which is equal in area to the size A5 in the A series of paper sizes defined in BS EN ISO 216: 2001;

“**Ordinance**” means the Control of Tobacco Ordinance, 2020;

“**no smoking sign**” means a sign that is no smaller than A5 size which bears the no smoking symbol, and which includes, written in characters taken from the English language, notification in accordance with regulation 4(1)(b) that can be easily read by persons using the entrance to a smoke-free place;

“**no smoking symbol**” means a symbol which consists solely of a graphic representation of a single burning cigarette enclosed in a red circle of at least 70 millimetres in diameter with a red bar across the representation of the single burning cigarette;

**PART II
SMOKE FREE PLACES AND NO SMOKING SIGNS**

Smoke-free places, conditions, exemptions and amendment

3. (1) A place specified in Schedule 1 is subject to any condition or exemption specified in relation thereto in Schedule 1.

(2) Schedule 1 may, after consultation with the Director of the Directorate charged with responsibility for Health, be amended by Order by the Governor in Council.

No smoking sign

4. (1) A no smoking sign—
- (a) must be prominently and permanently displayed at every entrance to a smoke-free place and inside a smoke-free place in the manner that may be specified in Schedule 2; and
 - (b) must contain a notification using the words to give effect to the following warning—
“No Smoking. It is against the law to smoke in these premises.”.

(2) Notwithstanding sub-regulation (1) the word “premises” in a no smoking sign may be substituted by the word “hotel”, “guest house”, “school”, “shop”, “office”, “bus”, “taxi” or similar word which denotes the smoke-free place to which the sign refers.

(3) Schedule 2 may, after consultation with the Director of the Directorate charged with responsibility for Health, by Order be amended by the Governor in Council.

(4) A no smoking sign may include artwork approved by the Director of the Directorate charged with responsibility for Health and provided to a person who is required pursuant to the Ordinance to display such artwork by the Directorate charged with responsibility for Health.

Maintenance of no-smoking signs

5. (1) A no smoking sign must be kept in good condition and maintained by the person in possession of, responsible for the management of, or the owner of a smoke-free place, whichever is applicable, in such a manner so as to be clearly visible.

(2) A no smoking sign, if the smoke-free sign is placed on the outside of a smoke-free building or on the outside of a smoke-free place, must be weatherproof and maintained in accordance with sub-regulation (1).

Fee

6. (1) The application fee for registration as a registered dealer is prescribed in Schedule 3.

(2) Schedule 3 may, after consultation with the Director of the Directorate charged with responsibility for Health, by Order be amended by the Governor in Council.

SCHEDULE 1

Smoke-free places - conditions and exemptions

	<i>Place</i>	<i>Smoke-free Conditions</i>	<i>Exemption</i>
1	Prince Andrew School and Francis Plain	<ul style="list-style-type: none">(a) entire perimeter; and(b) applicant for use of Francis Plain to give undertaking in writing that smoke-free	Where used for sporting or public events any area not listed below—

restrictions will be followed before permission for use granted.

- (a) playing field and terraces, up to the white barrier;
- (b) pavilion and adjacent building (known as 'the shed'); and
- (c) all school and public buildings within the boundary of Francis Plain and Prince Andrew School.

SCHEDULE 2

No Smoking signs

	<i>Place</i>	<i>Sign to be displayed</i>
1	A smoke-free building and a smoke-free place	At every entrance
2	The boundary of a smoke free place	On the boundary
3	Visitor accommodation	At the entrance to and inside every unit of accommodation assigned to a paying customer
4	Business premises	In every room of business premises
5	Vehicle, with or without a roof	In every compartment made or adapted to accommodate a person as a passenger, customer, commuter, or similar type of traveller
6	Prince Andrew School and Francis Plain	At the entrance of and along the boundary and— <ul style="list-style-type: none">(a) at every entrance to and inside the pavilion;(b) at every entrance to and inside the shed;(c) at every entrance to and inside every building comprising the school; and(d) at intervals along the white barrier on the terrace agreed by the Committee charged with responsibility for public health.

SCHEDULE 3

Fees in respect of a certificate of registration as a registered dealer in tobacco or a related product

Application £10

Made by the Governor in Council this day of 2021.

Connie Johnson
Clerk of Councils

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the signage required for smoke-free places and the conditions for the use of these places. The Regulations also make provision for registration as a dealer in tobacco or a related product and provide for the issue of a certificate of registration which is renewable. Provision is also made for specified persons to object to registration and provide for the process of appeal where an application is refused, or a certificate issued is revoked.