



Llywodraeth Cymru
Welsh Government

GUIDANCE

Smoke-free law: guidance on the changes from March 2021

On 1 March 2021, the law around smoking in certain settings in Wales will change.

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This guidance sets out what this means and what those responsible for the new smoke-free places need to do.

The law before 1 March 2021

On 2 April 2007 the Smoke-free Premises etc. (Wales) Regulations 2007 (“the 2007 Regulations”) came into effect. These Regulations were introduced to save lives and prevent diseases caused by second-hand smoke. The Regulations were made using the powers in Chapter 1 of Part 1 of the Health Act 2006.

The legislation means that smoking is not allowed in ‘enclosed’ or ‘substantially enclosed’ public places, including workplaces. ‘No Smoking’ signs are required to be displayed in smoke-free premises and vehicles, and the law is enforced by Local Authorities. Failure to comply with the law is an offence.

The law from 1 March 2021

Chapter 1 of Part 3 of the Public Health (Wales) Act 2017 (“the 2017 Act”) and the Smoke-free Premises and Vehicles (Wales) Regulations 2020 (“the 2020

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Regulations”) will come into force on 1 March 2021. Many of the requirements established in 2007 will stay the same, but via the 2017 Act and the 2020 Regulations, we are making changes to extend the smoke-free requirements to more places and settings in Wales. The 2007 Regulations have had a big impact on the number of people smoking, but smoking is still the main cause of premature death in Wales. We therefore want to do more to protect people from harmful second-hand smoke and know that reducing the number of young people taking up smoking saves lives.

The new legislation will mean that hospital grounds, schools grounds and public playgrounds, as well as outdoor day care and child-minding settings will be required to be smoke-free.

We are also making some changes to the settings that the current legislation does not require to be smoke-free. Over the next year, we will be phasing out smoking bedrooms in hotels, guest houses etc as well as requiring that self-contained holiday accommodation (cottages, caravans etc) are smoke-free. These requirements will be implemented on 1 March 2022. In addition, Mental Health Units will be required to phase out any smoking rooms by 1 September 2022, and we are amending who can use designated smoking rooms in adult care homes and adult hospices. In certain circumstances, those working in others’ homes will also be able to work in a smoke-free environment as well for those that are receiving goods or services from a dwelling.

If you would like any more details or copies of the [Public Health \(Wales\) Act 2017](#) and the [Smoke-free Premises and Vehicles \(Wales\) Regulations 2020](#).

If you would like to ask us a question, please contact:

TobaccoPolicy@gov.wales

Background

The Smoke-free Premises etc. (Wales) Regulations 2007 (“the 2007 Regulations”) were introduced to protect employees and the public from the harmful effects of second-hand smoke. This legislation prevented smoking in

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‘enclosed’ or ‘substantially enclosed’ public places, including workplaces and vehicles. The legislation has been very effective with high levels of compliance and public support. In 2015, the 2007 Regulations were amended to require cars carrying children to be smoke-free.

Smoking is extremely harmful and damaging to health and remains one of the main causes of inequalities in health in Wales. The Welsh Government is committed to taking action to reduce the health impacts of smoking and in taking steps to achieve our aim of a smoke-free Wales.

On 1 March 2021 we are implementing the requirements in Chapter 1 of Part 3 of the Public Health (Wales) Act 2017 (“the 2017 Act”) and the Smoke-free Premises and Vehicles (Wales) Regulations 2020 (“the 2020 Regulations”) which together establish the new smoke-free regime in Wales. Many of the requirements established by the 2007 Regulations will stay the same, but via the 2017 Act and the 2020 Regulations, we are making changes to extend the smoke-free requirements to more places in Wales. Hospital grounds, schools grounds and public playgrounds, as well as outdoor day care and child-minding settings will be required to be smoke-free.

Requiring more public places in Wales to be smoke-free will help reduce exposure to harmful second-hand smoke and will help reduce a known trigger for ex-smokers to re-start. Our hospitals are places where we support people to make positive choices about their health so requiring all hospital sites to be smoke-free will promote healthier care environments and help support smokers using hospital services, visiting or working in hospitals to quit.

We know that reducing the number of young people taking up smoking saves lives. Therefore banning smoking in areas where children and young people go regularly, like public playgrounds and school grounds, will de-normalise smoking behaviour and reduce the chances of children and young people taking up smoking. Children’s Rights are enshrined in Welsh Law and the measures we are introducing support children’s rights under the United Nations Convention on the Rights of the Child (UNCRC). More details on this are provided in the [Regulatory Impact Assessment to the 2020 Regulations](#).

Smoking and e-cigarettes

The legislation we are implementing only covers smoking tobacco. It does not include e-cigarettes. All references in this guidance to 'Smoking' relate to the definition in the legislation which covers the smoking of cigarettes, pipes, cigars, herbal cigarettes and waterpipes (often known as hookah or shisha pipes) etc.

Therefore an individual will not be committing an offence if they were to use an e-cigarette/vape in a setting that is required to be smoke-free. However those responsible for particular places and settings may introduce voluntary, non-legislative requirements on e-cigarette use if they wish.

Smoke-free workplaces and premises that are open to the public

- we have amended the definitions of 'enclosed' or 'substantially enclosed' in relation to workplaces and premises that are open to the public to make it clearer
- it will still be an offence to smoke in a smoke-free workplace or premises open to the public. The person responsible premises must take reasonable steps to stop smoking there. For dwellings which are used as workplaces, see the section of this [guidance on Dwellings](#).
- 'No Smoking' signs will be required in smoke-free premises
- the parts of the legislation that set out the details are sections 6, 7 and 8 of the 2017 Act and regulation 3 of the 2020 Regulations

What is in place at the moment?

Since 2 April 2007 all public places, including workplaces and premises where voluntary work is carried out, have been required to be smoke-free. The legislation prohibits smoking in all public places which are defined as 'enclosed' or 'substantially enclosed'.

Under the 2007 Regulations, premises are considered 'enclosed' if they have a

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ceiling or roof (either a fixed or moveable structure or device), and except for doors, windows or passageways, are wholly enclosed, are wholly enclosed, whether on a permanent or temporary basis. Premises are 'substantially enclosed' if they have a ceiling or roof (either a fixed or moveable structure or device), but there are openings in the walls, which are less than half of the total of walls. This definition includes other structures that serve the purpose of walls and constitute the perimeter of the premises. When determining the area of an opening, no account should be taken of the openings in which doors, windows or other fittings can be open or shut.

Signs

The legislation requires that a 'No Smoking' sign is displayed in a prominent position at, or near, each entrance to smoke-free premises so that people entering the premises can see it.

What is changing on 1 March 2021?

'Enclosed' or 'substantially enclosed' workplaces and premises open to the public will still be required to be smoke-free, but these definitions have been amended.

There has been some cases where the definition of 'enclosed' and 'substantially enclosed' have caused confusion, particularly whether structures which do not form part of the premises but which serve the purpose of walls, and therefore form part of the perimeter of the premises, should be considered when assessing whether the premises is 'enclosed' or 'substantially enclosed'. We have updated the definitions of these meanings to make it clear that other structures which form part of the perimeter of the premises should be included when assessing the structure.

Duty to prevent smoking and enforcement

The person who controls or is concerned with the management of the smoke-

free workplace or premises open to the public must take reasonable steps to stop a person who is smoking there from smoking. The section of this guidance on [getting prepared and how to comply with the legislation](#) provides suggestions on the reasonable steps that managers of these settings can take.

It will still be an offence to smoke in an enclosed or substantially enclosed workplace and premises open to the public. It will also be an offence to fail to take reasonable steps to stop a person smoking there. Authorised officers within each local authority enforce the law across Wales and we continue to expect very high levels of public compliance. More details on enforcement are in the [Making it work - enforcing the smoke-free law](#) section of this guidance.

Signs

Signs will still be required to be displayed in smoke-free premises. We have made it easier to comply with the signage requirements. More details are provided under the [signage section of this document](#).

Smoke-free vehicles

- it will still be against the law to smoke in a vehicle that is used wholly or mainly for work purposes or that carries members of the public. 'No smoking' signs will still be required to be displayed
- it will also still be against the law to smoke in a private vehicle carrying a child (person under the age of 18 years old). No smoking signs are not required in these vehicles
- vehicles where paid for or voluntary goods or services are being provided to another person in a vehicle, will be required to be smoke-free when the goods or services are being provided. No smoking signs will not be required as the vehicle is only required to be smoke-free some of the time
- the driver, operator or person responsible for a smoke-free vehicle must take reasonable steps to stop smoking in the vehicle
- the parts of the legislation that set out the details are section 15 of the 2017 Act and regulations 15, 16 and 17 of the 2020 Regulations. The required wording of the sign is set out in regulation 18 of the 2020 Regulations

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What is in place at the moment?

The legislation currently prevents smoking in enclosed public places and work places - this extends to vehicles. This means that all enclosed vehicles used for work purposes by more than one person, or to transport members of the public, are required to be smoke-free all of the time. No smoking signs are required to be displayed in the vehicle. The police are responsible for enforcing this requirement.

The current legislation makes it an offence to smoke in a private vehicle carrying a child. A child is described as a person under the age of 18 years old. No smoking signs are not required to be displayed in the vehicle. The police are also responsible for enforcing this requirement.

What is changing on 1 March 2021?

The legislation that is currently in place will continue. This means that enclosed vehicles used for work purposes by more than one person, or to transport members of the public, are still required to be smoke-free all of the time. 'No smoking' signs are required and the police are still responsible for enforcement.

It will also still be against the law to smoke in a private vehicle carrying a child. 'No Smoking' signs are not required as it is a private vehicle and the police remain responsible for enforcement.

The new parts of the legislation will extend the smoke-free requirements to cover people who are providing paid for or voluntary goods or services to another person in a vehicle. Such vehicles are not currently covered by the smoke-free requirements because they are not wholly or mainly used for work or public transport purposes. We want to protect as many people as possible from the dangers of second-hand smoke and have therefore extended the smoke-free requirements to cover more vehicles.

Below are some examples of how the requirements would work:

- a carer uses their car to take the person they support to the doctor's surgery.

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The car will be required to be smoke-free during those journeys. If the car is used for social, domestic or other private purposes at all other times, smoking in the car is permitted. A similar requirement will be in place for a car that is used by a child-minder to take children to/from school, but is otherwise used for private, social or domestic purposes

- a volunteer collects people in their own car to visit a day centre. The car would need to be smoke-free during these journeys, but does not need to be smoke-free at other times
- a car that is used only part-time to provide private hire services will be required to be smoke-free whilst providing those private hire services

The requirements in the legislation do not extend to where goods or services are not being provided. For example, a private car being used by the person to transport a work colleague to a meeting would not be required to be smoke-free, unless that colleague is under the age of 18.

Exemptions

Caravans and motor caravans are exempt from the smoke-free vehicles requirements if they are stationary and not on the road.

If the caravan or motor home is being used to live in, it is not required to be smoke-free, regardless of whether it is on the road or not.

Duty to prevent smoking and enforcement

The driver, operator or person who is concerned with the management of a smoke-free vehicle has a duty to prevent smoking in a smoke-free vehicle. Failure to do so is an offence. The section of this guidance on [getting prepared and how to comply with the legislation](#), provides suggestions on the reasonable steps that can be taken.

The police will be responsible for enforcing the smoke-free vehicles requirements but we expect very high levels of public compliance and support. There are offences for smoking in a smoke-free vehicle, for not displaying signs

when required to and also for failing to prevent smoking. More details on enforcement are in the [making it work - enforcing the smoke-free law section of this guidance](#).

Signs

'No Smoking' signs will still be required in vehicles that are wholly or mainly used for work purposes or that carry members of the public.

We have made it easier to comply with the signage requirements – more details are provided under the [signage section of this guidance](#).

There is no requirement for 'No Smoking' signs in those private vehicles carrying children or those vehicles where paid for or voluntary goods or services are being provided to another person in a vehicle.

Dwellings

- more dwellings used as places of work some of the time, will be required to be smoke-free. These places only need to be smoke-free in the parts that are being used as a workplace and whilst they are being used as a workplace
- 'No Smoking' signs will be not be required to premises used to any extent as a dwelling
- the parts of the legislation that set out the details are sections 7 and 8 of the 2017 Act and regulation 4 of the 2020 Regulations

What is in place at the moment?

In general, dwellings are not covered by the legislation but there are exceptions to this.

If a dwelling is also a workplace, the legislation requires that only those parts of the dwelling that are used solely for work are required to be smoke-free all of the

time. For example, if a room in a home is used solely for work purposes, and if other people who do not live in the building attend that room in connection with the work that is carried out there (e.g. as workers or customers), then the room is required to be smoke-free.

Any part of a dwelling that is shared with other premises is required to be smoke-free. This covers shared facilities such as communal lifts and stairways in blocks of flats and shared kitchens or laundries in dormitory-style accommodation.

The current legislation also says that a dwelling does not need to be smoke-free whilst a service is being provided to persons living there. Examples of these services are personal/health care services, such as carers supporting a person living in their home or assisting with domestic or maintenance work (e.g. cleaners and tradespeople working in that dwelling).

What is changing on 1 March 2021?

More dwellings that are also used as workplaces some of the time will be required to be smoke-free. The legislation has been amended to protect more workers from the harms of second-hand smoke while they are working.

Which dwellings are required to be smoke free?

To be classed as a workplace, dwellings must fall within one of the categories below. A dwelling will be considered to be a workplace, if it is:

1. Used as a place of work by more than one person and either:
 - a) at least one of those workers does not live there; or
 - b) all workers live there, but members of the public might attend the premises to seek or receive goods or services from a person working there [(even if members of the public are not always present)].

In these scenarios, the legislation applies even where persons work there at

different times or intermittently.

2. Used as a place of work by no more than one person but members of the public might attend to seek or receive goods or services from the person working there. It will still be a workplace even if members of the public are not always present.

This means that members of the public seeking or receiving goods or services from a person working at a dwelling will be able to do so in a smoke-free environment.

We have also removed the current exemption which says that a dwelling does not have to be smoke-free when a service is being provided to a person living in the dwelling. This change means that all types of work activities will be included in the assessment of whether a dwelling is a workplace and will therefore be required to be smoke free whilst people are working there.

What does being 'smoke-free' mean in a dwelling?

There are limits to the restrictions applying to dwellings that are used as workplaces falling within the categories above. These are explained below.

- the only parts of the dwelling that will need to be smoke-free, are those used as a workplace, i.e. where a person is working
- for example, if a member of the public receives physiotherapy provided in the physiotherapist's home, only the parts of the premise that are used to provide that service to the public need to be smoke-free (e.g. the hallway, room used and any bathroom facilities provided). If a cleaner attends a premises (where another person also works) to provide cleaning services, the areas that the cleaner will enter in the course of their work are required to be smoke-free
- the dwelling will only need to be smoke-free while the person is working

Continuing the above scenarios, the physiotherapist could smoke anywhere in the dwelling when not using it for work purposes. Likewise, the person for whom the cleaning is being provided may smoke anywhere in the dwelling, provided

the cleaner is not working in them.

- if a dwelling is used as a workplace and members of the public attend for the purpose of seeking or receiving goods or services, then only that part of dwelling which the public may attend will be required to be smoke-free. This applies regardless of whether all persons working at the dwelling/workplace also reside there
- in all cases, only those areas of the dwelling that are enclosed or substantially enclosed are required to be smoke-free
- it will be an offence to smoke in a smoke-free workplace

Below are some examples of how the requirements would work:

- a child minder looks after children in her home. The home will be required to be smoke-free in the parts being used to provide child minding services for the duration that the children are in the child minder's home
- a person is visited by a carer to support him in his home with washing, dressing and food preparation. The person is therefore receiving a service from the carer and parts of the dwelling have become the carer's workplace. The carer supports the person in his bedroom, bathroom and kitchen. Whilst the carer is in the person's home, he will not be able to smoke in these parts of his home as they are the carer's workplace. If the person wanted to smoke whilst the carer was working in his home, he could go to an area where the carer is not working (for example the living room or the garden). The carer could support him to move to that area of the home to smoke if necessary. Once the carer leaves, the person can smoke anywhere in his home, including in those areas used by the carer as a workplace when the carer is there
- a hairdresser works from a room in her home converted into a hairdressing salon. The salon and any other areas visited by customers (the entrance hall and bathroom for example) are required to be smoke-free during the hairdresser's working hours. Other areas of the dwelling do not need to be smoke-free, even if customers are in the salon. Outside of working hours, smoking can take place anywhere in the dwelling, including in those areas used as a workplace by the hairdresser
- a member of the clergy lives in a vicarage and supports members of their parish. When the vicarage is being used as a place of work and when work

is being undertaken there (for example when church officials or members of the public are in attendance, the parts of the vicarage being used for these purposes will be required to be smoke-free. Outside of these times, there would be no smoke-free requirements in the dwelling. Members of the community may visit the vicarage with little or no notice, potentially at any time of the day or night for counselling or advisory services. In this case, the areas of the dwelling used for these services (for example the kitchen or a sitting room) will be required to be smoke-free during the person's visit. Once the person seeking support leaves, the vicar and family can smoke anywhere in their home, including those areas used during the visit as a workplace. It is not always easy to distinguish between a visitor calling because of personal friendship with the vicar and one calling purely to seek the vicar's professional services. It is reasonable for a clergy person to use their discretion should a personal visit turn into a work-related visit or vice versa

- a plumber is fixing a tap in the kitchen of a person's home. The kitchen is required to be smoke-free as well as any other areas of the dwelling that the plumber needs to access to do their job. Smoking could take place in another part of the home as long as it is not in the area where the plumber needs to work.
- a cleaner works in a home once a week. During the time that the cleaner is in the home those areas where the cleaner is working will be required to be smoke-free
- a gardener is working in the garden of a home. Smoking could also take place in the garden whilst the gardener is working, provided that the garden is not enclosed or substantially enclosed

As explained above, one of the circumstances in which a dwelling will be considered to be a workplace is when it is used as a place of work by more than one person and at least one of those workers does not live there. This the case even where persons work there at different times or intermittently. An example is a cleaner who visits a home every Thursday. One week, a plumber also visits the home to fix a tap. As the home is the workplace of two workers (the cleaner and the plumber), and even though they are in the home at different times, the dwelling is required to be smoke-free in the areas where work is taking place whilst either of the workers are there. In the case of a person supported in their

home by a carer, it is often the case for that person to be visited by more than one carer, even if the carer attends each visit on their own. Most of these types of arrangements provide for leave and sickness cover and so will involve more than one worker attending the person's dwelling. The person's home therefore meets the definition of a workplace and will be required to be smoke-free while the carers are working there and in the parts in which they are working.

Whilst we consider the majority of homes will meet the definition of a workplace, if there is never anyone working in the dwelling (e.g.. a plumber/ electrician etc) and/or no member of the public ever attends to receive goods or services, then there are no smoke-free requirements and smoking can take place anywhere in the dwelling at any time.

The smoke-free requirements do not apply to people who work at home, unless they fall within one of the categories listed above. Although they are working, it is their home so there are no smoking restrictions. The only time the home would have to be smoke-free is if another worker who does not live there was present or if a member of the public might visit to receive goods or services from the person working there.

Signs

There are no requirements to display 'No Smoking' signs in dwellings even if the dwelling is considered to be a permanent workplace.

Smoke-free outdoor care settings for children

- outdoor care settings for children, such as outdoor day care and child minding settings will be required to be smoke-free
- it will be an offence to smoke in this outdoor area. The manager or child minder responsible for the setting must take reasonable steps to stop smoking there
- 'No Smoking' signs will not be required in outdoor care settings for children
- the parts of the legislation that sets out the details are section 9, and sections 6(2) and 6(3) of the 2017 Act.

What is in place at the moment?

There is currently no law in place to prevent smoking in these areas. Some voluntary, non-legislative smoke free requirements are in place in some settings.

What is changing on 1 March 2021?

From 1 March 2021, all outdoor care settings for children in Wales will be required to be smoke-free. “Outdoor care settings for children” are the outdoor areas of those premises which are registered under Part 2 of the Children and Families (Wales) Measure 2010, and are premises which provide day care or child minding for a child or children under the age of 12. To be an outdoor care setting, it must not be ‘enclosed’ or ‘substantially enclosed’. These outdoor areas are only required to be smoke-free when the premises is being used for day care or child minding. In the case of a child minder providing care in their home, the outdoor areas of the home are required to be smoke-free if one or more of the children are in the outdoor area.

Duty to prevent smoking and enforcement

The person who controls or manages an outdoor care setting for children and registered child minders must take reasonable steps to stop a person who is smoking there from smoking. The section of this guidance on [getting prepared and how to comply with the legislation](#) provides suggestions on the reasonable steps that managers of these settings and childminders can take. There are offences for smoking in an outdoor care setting for children, and also for failing to take reasonable steps to stop a person smoking there. Authorised officers within each local authority will enforce the new law across Wales but we expect very high levels of public compliance. More details on enforcement are in the [making it work - enforcing the smoke-free law](#) section of this guidance.

Signs

'No Smoking' signs will continue to be required inside the childcare setting (unless the setting is also a dwelling, like a child minders home where there are no requirements).

There is no requirement for 'No Smoking' signs to be displayed in outdoor care settings for children.

Childminders often look after children in their own home and there are no signage requirements for inside or outside areas of dwellings. Many care settings are in areas that are used only intermittently or are shared with other premises. We therefore do not think it would be reasonable to expect managers to put up 'No Smoking' signs each time they take the children to the outdoor area and then take them down as they leave. However managers and childminders can display 'No Smoking' signs in their outdoor areas if they wish to do so. We have provided a template 'No smoking' sign and this is available on the [Welsh Government website](#).

Smoke-free school grounds

- school grounds in Wales will be required to be smoke-free
- it will be an offence to smoke in school grounds. The manager or person responsible for the school grounds must take reasonable steps to stop smoking there
- displaying 'No smoking' signs will be required
- designated smoking areas can be provided in residential school grounds
- the parts of the legislation that sets out the details are section 10 of the 2017 Act and regulations 10 and 12 of the 2020 Regulations. The required wording of the 'no smoking' sign is set out in regulation 14 of the 2020 Regulations.

What is in place at the moment?

Smoking in enclosed and substantially enclosed areas of schools has been

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banned since 2007. There is currently no law in place to prevent smoking in school grounds. Some voluntary, non-legislative smoke free requirements are in place.

Signs

The law requires that 'No Smoking' signs are displayed in a prominent position at or near the entrance to the school buildings so that people entering can see it.

What is changing on 1 March 2021?

From 1 March 2021, school grounds will be required to be smoke-free. This is in addition to school buildings (the enclosed and substantially enclosed areas of the school) which are currently required to be smoke-free.

What are school grounds?

'School' has the meaning given by section 4 of the Education Act 1996. School grounds are those areas that are not enclosed or substantially enclosed and are used exclusively or mainly by the school for educational, sporting or recreational purposes. All schools in Wales with school grounds are included in the legislation – community, community special, foundation, voluntary aided, voluntary controlled and maintained nursery schools. Pupil Referral Units are also captured and therefore the grounds of these Units will be required to be smoke-free. The legislation does not cover further or higher education settings such as Further Education or sixth-form colleges.

School grounds that are next to or adjoin the school will be required to be smoke-free when either the school or the grounds are being used for education or childcare, for example a school sports field. In this case, the school sports field will be smoke-free during school hours. School grounds that do not adjoin the school, will be required to be smoke-free when the grounds or any part of the grounds are being used for education or childcare. For example, if a school has a sports field that is for its sole use, but which is across the road from the school,

the sports field will be smoke-free only when being used by the school.

Designated smoking areas

Those schools that provide residential accommodation to pupils may, if they wish to, designate an area in the school grounds where smoking is permitted. The school may choose not to designate an area if that is their local policy. If it is decided that a designated smoking area is put in place, the location within the school grounds needs to be carefully considered.

If a designated area is provided, it has to fulfil the following conditions:

- the person in charge of the school grounds must specify who can use the designated smoking area. These are known as 'permitted persons'. Permitted persons have to be over the age of 18 and could include staff who also live at the school or visitors
- the size of the designated area cannot be more than 8.25 square metres
- the designated area has to be at least 10 metres away from any smoke-free buildings
- the designated smoking area must be clearly marked as an area in which a permitted person may smoke.

The person in charge of the school grounds must also keep a record of all the areas which have been designated and who are the permitted persons. The designated area may be changed or withdrawn at any time. The legislation does not specify how the designated smoking area is clearly marked so this can be at the discretion of the person in charge of the school grounds.

Dwellings in the school grounds

The smoke-free requirements will not apply to a dwelling that is within a school grounds. For example the garden of a caretaker's house within the school grounds would not be required to be smoke-free.

Duty to prevent smoking and enforcement

The person who controls or is concerned with the management of the school grounds must take reasonable steps to stop a person who is smoking there from smoking. The section of this guidance on [getting prepared and how to comply with the legislation](#) provides suggestions on the reasonable steps that can be taken.

There are offences in respect of smoking in school grounds and for failing to take reasonable steps to stop a person smoking. Authorised officers within each local authority will enforce the new law across Wales but we expect very high levels of public compliance and support. More details on enforcement are in the [making it work - enforcing the smoke-free law](#) section of this guidance.

Signs

‘No Smoking’ signs will continue to be required in school buildings. We have made it easier to comply with the signage requirements – more details are provided under the [signage section of this guidance](#).

Signs must also be displayed in a prominent position at, or near, the main entrance to the school grounds to make all users of the school aware that the school grounds are smoke-free. If the school has more than one main entrance, then signs must be displayed at, or near, all of the entrances.

The ‘No Smoking’ signs for the school grounds must:

- contain a legible graphic representation of a burning cigarette enclosed in a circle with a bar across the circle which crosses the cigarette symbol
- include the appropriate warning text which is:

“ It is against the law to smoke in these school grounds/Mae ysmegu yn nhir yr ysgol hon yn erbyn y gyfraith. ”

There are no specific requirements on the size, design or colour of the smoke-free school grounds signs. We have designed a template sign which may be

used when producing these signs. This template is available on the [Welsh Government website](#).

We have also produced a sticker sign for display on the exits from the school building into the school grounds to remind school users that it is against the law to smoke in the school grounds. This will be provided to schools before 1 March 2021 for display if they wish.

Smoke-free hospitals grounds

- hospital grounds in Wales will be required to be smoke-free
- it will be an offence to smoke in hospital grounds. The manager or person responsible for the hospital grounds must take reasonable steps to stop smoking there
- the display of 'No smoking' signs will be required
- designated smoking areas within the hospital grounds can be provided if the hospital wishes to do so
- the parts of the legislation that set out the details are section 11 of the 2017 Act and regulations 11 and 12 of the 2020 Regulations. The required wording for the sign is set out in regulation 14 of the 2020 Regulations.

What is in place at the moment?

Smoking in enclosed and substantially enclosed areas of the hospital has been banned since 2007. There is currently no law in place to prevent smoking in hospital grounds or in the outdoor areas of hospitals, for example near building exits but hospitals in Wales have voluntary, non-legislative smoke free requirements in place.

Signs

The law requires that a 'No Smoking' sign is displayed in a prominent position at or near each entrance to the hospital building so that people entering can see it.

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What is changing on 1 March 2021?

From 1 March 2021, hospital grounds in Wales will be required to be smoke-free. This is in addition to the hospital buildings (the enclosed and substantially enclosed areas of the hospital) which are currently required to be smoke-free.

What are hospital grounds?

Hospital has the meaning given by section 206 of the National Health Service (Wales) Act 2006. The grounds of a hospital includes all grounds that adjoin the hospital, are used by or occupied by it, and are not enclosed or substantially enclosed. The smoke-free requirements will apply to all NHS and independent sector hospitals in Wales.

Designated smoking areas

The legislation enables the person in charge of the hospital premises to designate an area in the hospital grounds where smoking is allowed, if they wish to do so. The hospital may choose not designate an area if that is their local policy. If it is decided that a designated smoking area is put in place, the location within the hospital grounds needs to be carefully considered.

If it is decided that a designated area is to be provided, it has to fulfil the following conditions:

- that the person in charge of the hospital premises specifies who can use the designated smoking area. These are 'permitted persons'. Permitted persons have to be over the age of 18. It could be that permitted persons are patients and visitors but that staff are not permitted to smoke within the designated area
- the size of the designated area cannot be more than 8.25 square metres
- the designated area has to be at least 10 metres away from any smoke-free buildings
- it must be clearly marked as an area in which a permitted person may smoke

The person in charge of the premises must also keep a record of all the areas which have been designated and who are permitted persons. The designated area may be changed or withdrawn at any time. The legislation does not specify how the designated smoking is clearly marked so this can be at the discretion of the person in charge of the hospital grounds.

Dwellings in the hospital grounds

The smoke-free requirements will not apply to a dwelling within the hospital grounds. For example if a member of staff has accommodation provided to them within the grounds of the hospital, the garden of their home will not be required to be smoke-free.

Duty to prevent smoking and enforcement

The person who controls or is concerned with the management of the hospital grounds must take reasonable steps to stop a person who is smoking there from smoking. The section of this guidance on [getting prepared and how to comply with the legislation](#), provides suggestions on the reasonable steps that can be taken.

There are offences in relation to smoking in hospital grounds and for failing to take reasonable steps to stop a person smoking. Authorised officers within each local authority will enforce the new law across Wales but we expect high levels of public compliance and support. More details on enforcement are in the [making it work - enforcing the smoke-free law](#) section of this guidance.

Signs

'No Smoking' signs will continue to be required in hospital buildings. We have made it easier to comply with the signage requirements – more details are provided under the [signage section of this guidance](#).

'No Smoking' signs must also be displayed in a prominent position at, or near,

the main entrance to the hospital grounds to make all users of the hospital aware that the hospital grounds are required to be smoke-free. If the hospital has more than one main entrance, then signage must be displayed at, or near, all of the entrances.

The 'No Smoking' signs for the hospital grounds must:

- contain a legible graphic representation of a burning cigarette enclosed in a circle with a bar across the circle which crosses the cigarette symbol
- include the appropriate warning text which is:

“ It is against the law to smoke in these hospital grounds/Mae ysmygu yn nhir yr ysbyty yn erbyn y gyfraith. ”

There are no specific requirements on the size, design or colour of the smoke-free hospital grounds signs. We have designed a template sign which may be used when producing these signs. This template is available on the [Welsh Government website](#).

We have also produced a sticker sign for display on the exits from the hospital into the hospital grounds to remind hospital users that it is against the law to smoke within hospital grounds. This will be provided to hospitals before 1 March 2021 for display if they wish.

Smoke-free public playgrounds

- all public playgrounds in Wales will be required to be smoke-free
- it will be an offence to smoke in a public playground. The manager or person responsible for the public playground must take reasonable steps to stop smoking there
- 'No smoking' signs will be required
- the parts of the legislation that set out the details are section 12 of the 2017 Act and regulation 12 of the 2020 Regulations. The required wording of the sign is set out in regulation 14 of the 2020 Regulations.

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What is in place at the moment?

There is currently no law in place to prevent smoking in these areas. Some voluntary, non-legislative smoke free requirements are in place in some public playgrounds. There are no signage requirements.

What is changing on 1 March 2021?

On 1 March 2021, all public playgrounds in Wales will be required to be smoke-free all of the time. Even if there are no children in the public playground, the playground must be smoke-free at all times.

What is a public playground?

A public playground is an outdoor area (it is not enclosed or substantially enclosed) which contains playground equipment that is open to the public for children to play on. Playground equipment includes for example a swing, sandpit, slide, or a ramp. It does not include powered equipment (such as equipment powered by an electric motor).

The public playgrounds that are included are those which have Local Authority involvement. This means that the playground is managed or maintained by local authorities or Community Councils. The playground must be designed, or adapted, for use by children and must contain one or more pieces of playground equipment.

Public playgrounds with boundaries and with no boundaries

The public playground will be required to be smoke-free at all times within the playground boundary. Playground boundaries may be marked by metal or wooden fencing for example, or by shrubs.

If there is no boundary, then the smoke-free area is within 5 metres of any item

of playground equipment.

Duty to prevent smoking in the public playground and enforcement

The person who controls or is concerned with the management of the public playground must take reasonable steps to stop a person who is smoking there from smoking. The section of this guidance on [getting prepared and how to comply with the legislation](#), provides suggestions on the reasonable steps that can be taken.

There are offences in relation to smoking in public playgrounds and for failing to take reasonable steps to stop a person smoking. Authorised officers within each local authority will enforce the new law across Wales but we expect very high levels of public compliance and support. More details on enforcement are in the [making it work - enforcing the smoke-free law](#) section of this guidance.

Signs

At least one sign must be displayed in the public playground.

For public playgrounds with a boundary, this sign must be in a prominent position at or near the main entrance (if there are more than one main entrance, then each of them).

For public playgrounds without a boundary, a sign must be placed in a prominent position near the playground.

'No Smoking' signs in public playgrounds must:

- contain a legible graphic representation of a burning cigarette enclosed in a circle with a bar across the circle which crosses the cigarette symbol, and
- for public playgrounds within clearly marked boundaries,

“ It is against the law to smoke in this playground/Mae ysmegu yn y maes

chwarae hwn yn erbyn y gyfraith ”

- for public playgrounds not within clearly marked boundaries

“ It is against the law to smoke within 5 metres of this play equipment/Mae ysmegu o fewn 5 metr i'r cyfarpar chwarae hwn yn erbyn y gyfraith ”

There are no specific requirements on the size, design or colour of the smoke-free public playgrounds signs. We have designed a template sign which may be used when producing these signs. This template is available on the [Welsh Government website](#).

Exemptions to the smoke-free requirements

Smoking inside certain places is currently allowed and details are set out below. For some of these settings, this will continue. For others we are removing the exemption and will require that these places become smoke-free.

- we will be removing the exemption which allows smoking in holiday and temporary accommodation. We will also remove the exemption that allows hotels, guest houses, inns etc to have designated smoking bedrooms. From 1 March 2022 all these settings will be required to be smoke-free
- adult care homes and adult hospices will continue to be able to have designated smoking rooms, but there are changes on who can use these rooms
- mental health units will continue to be able to have designated smoking rooms but only for the next 18 months. From 1 September 2022, the indoor areas of Mental Health Units will be required to be smoke-free
- research and testing facilities will continue to be able to have designated smoking rooms
- the parts of the legislation that set out the details are section 16 of the 2017 Act and regulations 5, 6, 7, 8, 9 and 14 of the 2020 Regulations.

Smoke-free holiday and temporary

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accommodation, smoke-free hotels, guesthouses, inns, hostels and members' clubs

What is in place at the moment?

The law currently provides an exemption to the smoking ban for self-contained holiday and temporary accommodation. Smoking can therefore take place anywhere inside these premises if the owner allows.

The law also allows designated smoking bedrooms to be provided in hotels, guesthouses, inns, hostels or members' clubs. In these bedrooms, guests are able to smoke if the owner allows. Other areas of the hotel etc are smoke-free and 'No Smoking' signs are required at the entrances to these premises.

What is changing on 1 March 2021?

The new legislation continues to allow for smoking to take place in self-contained holiday and temporary accommodation if the owner allows, but only for a limited time (until 1 March 2022). Examples of these types of accommodation are cottages, caravans, chalets and Airbnb's.

Also for a limited time period (until 1 March 2022), smoking bedrooms can also continue to be provided in hotels, guesthouses, inns, hostels or members' clubs. In these bedrooms, guests are able to smoke, if the owner allows. If the manager of the hotel etc wants to provide a designated smoking bedroom, the designation has two new conditions:

Condition 1 is that the person in charge of the hotel designates the bedroom for smoking and keeps a record of all the rooms that have been designated. The designation can be withdrawn at any time.

Condition 2 relates to the room and sets out its requirements. The room:

a) has a ceiling and, except for doors and windows, is completely enclosed on all sides by solid floor to ceiling walls

- b) does not have a ventilation system that ventilates into a smoke-free part of the premises
- c) does not have doors which do not mechanically close immediately after use if they open into smoke-free areas; and
- d) is clearly marked as a room in which smoking is permitted

On 1 March 2022, all types of self-contained accommodation and all hotels, guest houses and inns etc will be required to be smoke-free at all times. It will be an offence to smoke in these smoke-free areas. Smoking can take place in the outside areas of these premises if the owner allows. We have provided 12 months to enable businesses to phase out their smoking accommodation and convert it to become smoke-free.

If the hotel or guest house etc is also a dwelling

If any part of the premises is also used as a dwelling, then that part does not have to be smoke-free. See the section of this [guidance on dwellings](#) for further information.

If the self-contained accommodation is also a dwelling

If a premises is almost always a dwelling, but it is let out intermittently for holiday or temporary accommodation purposes (such as an Airbnb house or cottage), the premises would only have to be smoke-free when it is being used in this way. For example, when guests are using the cottage as a holiday home. When the premises is not being rented out, it returns to being a dwelling and there are no smoke-free requirements (unless it is being used as a workplace. See the [section on dwellings](#) for further information).

In the example of a privately owned caravan, the caravan would not need to be smoke-free if the owner was using it. If another person used it for holiday or temporary purposes (i.e. it is being rented by a member of the public) then the caravan would be required to be smoke-free.

Signs

Designated smoking bedrooms must be clearly marked as a room in which smoking is permitted. The legislation does not specify how the designated smoking bedroom is clearly marked so this can be at the discretion of the person in charge of the premises.

‘No Smoking’ signs will continue to be required in a hotel, guest houses etc. We have made it easier to comply with the signage requirements – more details are provided under the [signage section of this guidance](#).

There are no requirements for signs to be displayed in self-contained holiday or temporary accommodation as it can be the case that they are only sometimes used for holiday accommodation. At other times, they are used as a dwelling. Signs can be displayed however if the owner wishes. Templates are available on the [Welsh Government website](#).

Adult care homes and adult hospices

What is in place at the moment?

The law currently provides an exemption to the smoking ban for adult care homes and adult hospices. This enables the person in charge of the adult care home/adult hospice to designate a smoking room, inside the home or hospice. Other areas of the home or hospice are smoke-free and ‘No Smoking’ signs are required at the entrances.

What is changing on 1 March 2021?

We have kept the exemption but we have added an additional condition to who can use the designated smoking room in these settings. From 1 March 2021, a designated smoking room can only be used by residents of the adult care home or adult hospice who are aged 18 and over. The room cannot therefore be used by staff or visitors to smoke and children are prohibited.

The meaning of 'adult care home' is aligned to the Regulation and Inspection of Social Care (Wales) Act 2016 which provides that a "care home service" is the provision of accommodation, together with nursing or care at a place in Wales, to persons because of their vulnerability or need.

'Adult hospice' means premises wholly or mainly used for the provision of palliative care to persons aged 18 or over, who are suffering from a progressive disease in its final stages, by or behalf of an establishment the primary function of which is the provision of such care.

If the manager of the adult care home or adult hospice wants to provide a designated smoking room, the designation has two new conditions:

Condition 1 is that the person in charge of the adult care home or adult hospice designates the smoking room as only for use residents who are over the age of 18. A record of all the rooms that have been designated must be kept. The designation can be withdrawn at any time;

Condition 2 relates to the room and sets out its requirements. The room:

- a) has a ceiling and, except for doors and windows, is completely enclosed on all sides by solid floor to ceiling walls
- b) does not have a ventilation system that ventilates into a smoke-free part of the premises
- c) does not have doors which do not mechanically close immediately after use if they open into smoke-free areas; and
- d) is clearly marked as a room in which smoking is permitted.

In addition to designated smoking rooms inside the adult care home or adult hospice, smoking can take place in the grounds of these premises, if the manager agrees. For example, the garden of an adult hospice. It is a local decision on whether a designated smoking area is put in place in these outdoor areas.

Signs

The designated smoking room must be clearly marked as a room in which smoking is permitted. The legislation does not specify how the designated room is clearly marked so this can be at the discretion of the person in charge of the premises.

'No Smoking' signs will continue to be required in the adult care home and adult hospice. We have made it easier to comply with the signage requirements – more details are provided under the [signage section of this guidance](#).

There is no requirement to display 'No Smoking' signs in the grounds of an adult care home or adult hospice.

Mental health units

What is in place at the moment?

The law currently provides an exemption to the smoking ban for Mental Health Units. This enables the person in charge of the Mental Health Unit to designate a smoking room inside the Unit. Other areas of the Unit are smoke-free and 'No Smoking' signs are required at the building entrances.

What is changing on 1 March 2021?

The new legislation continues to allow for designated smoking rooms in Mental Health Units for a limited time period only (until 1 September 2022). 'Mental Health Unit' means premises, or part of premises, maintained wholly or mainly for the reception and treatment of persons suffering from a mental disorder as defined in section 1(2) of the Mental Health Act 1983 but does not include an adult care home.

However this is now a time limited exemption and the designation has two new conditions:

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Condition 1 is that the person in charge of the Unit may designate the smoking room as only for use by patients of the Unit who are over the age of 18. A record of all the rooms that have been designated must be kept. The designation can be withdrawn at any time.

Condition 2 relates to the room and sets out its requirements. The room:

- a) has a ceiling and, except for doors and windows, is completely enclosed on all sides by solid floor to ceiling walls
- b) does not have a ventilation system that ventilates into a smoke-free part of the premises
- c) does not have doors which do not mechanically close immediately after use if they open into smoke-free areas; and
- d) is clearly marked as a room in which smoking is permitted

Designated rooms within Mental Health Units will not be permitted after 1 September 2022. At that point, all Mental Health Units in Wales will be required to be smoke-free. The time-limited exemption enables managers of Mental Health Units to work towards removing any currently available indoor smoking rooms and enables patients to adjust and seek support to give up smoking if they wish to.

Designated smoking area

The manager may investigate whether to put in place a designated smoking area for use by patients of the grounds of the Mental Health Unit. However, the organisation's policy on designated smoking areas should be reviewed before a decision is taken. Mental Health Units are within the meaning of hospital grounds in section 11 of the 2017 Act. The requirements for designated smoking areas in hospital grounds is set out in the smoke-free hospital grounds section of this guidance.

Signs

The designated smoking room must be clearly marked as a room in which smoking is permitted. The legislation does not specify how the designated smoking room is to be clearly marked so this can be at the discretion of the person in charge of the unit.

'No Smoking' signs will continue to be required in the mental health unit. We have made it easier to comply with the signage requirements – more details are provided under the [signage section of this guidance](#).

Mental health units are within the meaning of hospital grounds in section 11 of the 2017 Act. Therefore, as with other hospital grounds, the grounds of a mental health unit will be required to be smoke-free and signage will be required. All 'No smoking' signs in hospital grounds, including mental health units must:

- contain a legible graphic representation of a burning cigarette enclosed in a circle with a bar across the circle which crosses the cigarette symbol
- include the appropriate warning text which is;

“ It is against the law to smoke in these hospital grounds/Mae ysmygu yn nhir yr ysbyty yn erbyn y gyfraith. ”

There are no specific requirements on size, design or colour of the smoke-free hospital grounds signs. We have designed a template sign which may be used when producing these signs. This template is available on the [Welsh Government website](#).

We have also produced a sticker sign for display on the exits from the mental health unit into the hospital grounds to remind users that it is against the law to smoke in the hospital grounds. This will be provided to units before 1 March 2021 for display if they wish.

Smoking in research and testing facilities

What is in place at the moment?

The law currently provides an exemption to the smoking ban for research and testing facilities. This enables the person in charge of specific research and testing facilities to designate a smoking room inside the facility. Other areas of the facility are smoke-free and 'No Smoking' signs are required at the building entrances.

What is changing on 1 March 2021?

There has been no change to the requirements or the exemption for these facilities. Therefore the legislation that was introduced in 2007 will continue from 1 March 2021.

In order to become a designated room, the law sets out three conditions that must all be met. The designation of the room as a smoking room may be withdrawn at any time:

Condition 1 is that the person in charge of the premises:

- a) designates the room as one in which smoking is permitted, and
- b) keeps a record of all rooms that have been so designated

Condition 2 is that the room is used for tests and research which relate to:

- a) emissions from smoking
- b) developing products for smoking with lower fire hazard
- c) fire safety testing of materials involving products for smoking
- d) development of smoking or pharmaceutical products that could result in the manufacture of less dangerous products for smoking; or

e) smoking cessation programmes

Condition 3 is that the room:

a) has a ceiling and, except for doors and windows, is completely enclosed on all sides by solid floor to ceiling walls

b) does not have a ventilation system that ventilates into a smoke-free part of the premises

c) does not have doors which do not mechanically close immediately after use if they open into smoke-free areas; and

d) is clearly marked as a room in which smoking is permitted

Signs

The designated smoking room must be clearly marked as a room in which smoking is permitted. The legislation does not specify how the designated smoking room is to be clearly marked so this can at the discretion of the person in charge of the facility.

'No Smoking' signs will continue to be required in the facility. We have made it easier to comply with the signage requirements – more details are provided under the [signage section of this guidance](#).

Getting prepared and how to comply with the legislation

On 1 March 2021, every business and organisation in Wales to which the smoke-free legislation applies will need to take steps to ensure that employees, patients, customers and other visitors do not smoke in premises and settings that will be required to be smoke-free.

This section sets out the actions that those with responsibilities under the

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legislation are advised to take. For those areas that are already smoke-free, this may require refreshing signs or systems that are already in place. For those where new smoke-free requirements have been introduced, such as outdoor care settings for children, schools grounds, hospital grounds and public playgrounds, this will mean putting new processes in place.

The minimum action that you are advised to take to ensure that your organisation complies with the legislation are to:

- display 'No Smoking' signs in smoke-free premises and vehicles if required
- understand the duty to prevent smoking and take reasonable steps to prevent smoking in the smoke-free area

In addition to the minimum actions required, we have set out extra information and advice on other actions which, may be considered to support all users of the smoke-free areas to adapt to the new requirements.

Signage

No smoking signs are an important way of telling the public what areas are required to be smoke-free. The legislation has a number of requirements for 'No smoking' signs, some of which are already in place and some which are new. There are also some smoke-free places where 'No Smoking' signs don't have to be displayed, for example in any place used to any extent as a dwelling. These are set out below.

With the introduction of the new legislation on 1 March 2021, there will be two groups of 'No Smoking' signs. These are:

1. the signs which show a graphic of a burning cigarette enclosed in a circle which crosses the cigarette symbol
2. the signs which show a graphic of a burning cigarette enclosed in a circle which crosses the cigarette symbol and the bilingual 'appropriate warning text'.

‘No Smoking’ signs with a graphic

The smoke-free legislation currently in place has high levels of compliance. Signs are widely displayed, widely recognised and few people smoke in smoke-free areas.

We have made it easier to comply with the signage requirements by relaxing the requirements. ‘No smoking’ signs will no longer be required to be a certain size, or colour or to have specified warning text. The only requirement is that the sign contain a legible graphic representation of a burning cigarette enclosed in a circle which crosses the cigarette symbol.

Smoke-free places where these signs must be displayed

All smoke-free premises (workplaces and those open to the public) are required to display at least one ‘No Smoking’ sign. Although there are no longer any requirements on the location of the signs in these premises. Signs could be placed in a prominent position at or near each entrance to smoke-free premises, such as a pub or restaurant so that people entering the premises can see it.

We have provided a template sign on the [Welsh Government website](#).

All smoke-free vehicles that are used wholly or mainly for work purposes or that carry members of the public are required to display a ‘No Smoking’ sign. Although there are no longer any requirements on the location of the sign, the sign could be placed in a prominent position in the vehicle so that people in the vehicle can see it.

Smoke-free places where these signs don’t have to be displayed

The new laws have extended the smoke-free places in Wales. Whilst they will be required to be smoke-free, not all of the places have to display a ‘No smoking’ sign. The smoke-free places that do not have to display a ‘No Smoking’ sign are:

- dwellings. Whilst there will be some instances when a dwelling has be smoke-free (when a person who does not live there is working for example), the display of 'No smoking' signs is not required
- outdoor care settings for children. These settings are often provided in childminder's home or in premises used only intermittently or are shared with other premises. The display of 'No smoking' signs is not required
- private vehicles carrying children. The display of 'No smoking' signs is not required
- private vehicles where paid for or voluntary goods or services are being provided to another person in the vehicle. The display of 'No smoking' signs is not required as the vehicle is only required to be smoke-free some of the time
- self-contained holiday or temporary accommodation. This accommodation is not required to be smoke-free all of the time, only when it is being used for this purpose. The display of 'No smoking' signs is not required.

'No smoking' signs with a graphic and 'appropriate warning text'

There are three smoke-free places where these types of signs must be displayed. These are school grounds, hospital grounds and public playgrounds. Consideration should be given to ensure these signs are visible to all users.

School grounds

At least one 'No Smoking' sign must be displayed in the school grounds.

The 'No Smoking' sign must be displayed in a prominent position at, or near, the main entrance to the school grounds to make all users of the school aware that the school grounds are smoke-free. If the school has more than one main entrance, then a sign must be displayed at, or near, all of the entrances.

All no smoking signs for the school grounds must:

- contain a legible graphic representation of a burning cigarette enclosed in a

- circle with a bar across the circle which crosses the cigarette symbol
- include the appropriate warning text which is:

“ It is against the law to smoke in these school grounds/Mae ysmegu yn nhir yr ysgol hon yn erbyn y gyfraith. ”

There are no specific requirements on how the size, design or colour of the smoke-free school grounds signs. We have designed a template sign which may be used when producing these signs. This template is available on the [Welsh Government website](#).

We have also produced a sticker sign for display on the exits from the school building into the school grounds to remind school users that smoking is prohibited in the school grounds. This will be provided to schools before 1 March 2021 for display if they wish.

Hospital grounds

At least one ‘No Smoking’ sign must be displayed in the hospital grounds.

The ‘No Smoking’ sign must be displayed in a prominent position at, or near, the main entrance to the hospital grounds to make all users of the hospital aware that the hospital grounds are smoke-free. If the hospital grounds have more than one main entrance, then a sign must be displayed at, or near, each of them.

All no smoking signs for the hospital grounds must:

- contain a legible graphic representation of a burning cigarette enclosed in a circle with a bar across the circle which crosses the cigarette symbol
- include the appropriate warning text which is:

“ It is against the law to smoke in these hospital grounds/Mae ysmegu yn nhir yr ysbyty yn erbyn y gyfraith. ”

There are no specific requirements on the size, design or colour of the ‘No Smoking’ hospital grounds signs. We have designed a template sign which may

be used when producing these signs. This template is available on the [Welsh Government website](#).

We have also produced a sticker sign for display on the exits from the hospital building into the hospital grounds to remind hospital users that it is against the law to smoke in the hospital grounds. This will be provided to hospitals before 1 March 2021 for display if they wish.

Public playgrounds

A least one sign must be displayed in the public playground.

For public playgrounds with a boundary, this sign must be in a prominent position at or near the main entrance (if there are more than one main entrance, then each of them).

For public playgrounds without a boundary, a sign must be placed in a prominent position near the playground.

Each sign must:

- contain a legible graphic representation of a burning cigarette enclosed in a circle with a bar across the circle which crosses the cigarette symbol, and
- for public playgrounds within clearly marked boundaries,

“ It is against the law to smoke in this playground/Mae ysmegu yn y maes chwarae hwn yn erbyn y gyfraith. ”

- for public playgrounds not within clearly marked boundaries

“ It is against the law to smoke within 5 metres of this play equipment/Mae ysmegu o fewn 5 metr i'r cyfarpar chwarae hwn yn erbyn y gyfraith. ”

There are no specific requirements on the size, design or colour of the smoke-free public playgrounds signs. We have designed a template sign which may be used when producing these signs. This template is available on the [Welsh](#)

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Duty to prevent smoking and reasonable steps

The legislation requires that a person who controls or is concerned in the management of premises which are smoke-free, must take reasonable steps to cause a person smoking there to stop smoking. Whilst we expect the legislation to be widely supported, particularly once the possibility of offences is understood, organisations should be prepared to inform anyone smoking in a smoke-free area that they are committing an offence and take any other reasonable steps to prevent them from smoking. A flowchart is provided at the end of this guidance that sets out the steps to ensure any non-compliance situation is dealt with in the appropriate manner. Advice and support is also available from the local authority on prevention approaches. Some hospital sites in Wales may also wish to explore with their local authority the authorisation of hospital staff to carry out specific enforcement duties on the local authority's behalf. The legislation is clear that this delegation would need to be authorised by the local authority as responsibility for the enforcement functions would rest with them.

Below are suggestions for additional actions that may be taken to support compliance with the smoke-free requirements. Consideration should also be given to whether there are any other reasonable actions that maybe taken in your setting. It is recommended that evidence of the action taken and why it was suitable, is recorded and retained. Action should also be taken to ensure the mandatory signs remain in place and have not been for example, obscured or vandalised.

Awareness raising

The Welsh Government is carrying out awareness-raising activities in advance of the new legislation coming into force to ensure that the public are aware of the new legislation and its requirements. Bilingual materials will also be provided to Local Authorities, Health Boards and independent healthcare providers to support their communications, activities and messaging. Settings should also

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consider using their local communications methods to increase awareness and how staff can be supported to challenge any non-compliance. For childcare settings this could be communications with parents/carers and amending contracts with parents/ carers and staff to make the smoke-free requirements clear. For schools this could be school-parent/carers messages, updates on the school website or the display of posters. In hospitals, messages to patients, contractors and visitors prior to visiting the hospital will be useful to increase awareness of the smoke-free requirements. Messaging on in-patient and out-patient invitation letters, staff messaging and message boards can help to make the requirements clear.

It is important all communication materials are accessible and support the organisation's Welsh Language requirements.

Display door signs

It is recommended that signs are placed at exits from the building to smoke-free grounds. The Welsh Government is issuing these to Local Authorities, and hospital settings to display at school and hospital building exits if they wish. Other settings can use these too if they would like to and a template is available on the [Welsh Government website](#).

Update your smoke-free policy

To communicate the legislation and its implications, the smoke-free policy should be reviewed and if necessary updated to reflect the new smoke-free requirements. This may be particularly important for hospitals so that clear procedures for dealing with any non-compliance from patients, visitors, staff and contractors are in place.

Support smoking cessation

It is hoped that many people will use the new smoking legislation as an opportunity to cut down or give up smoking. Stopping smoking brings immediate

benefits to health. Your business or organisation could promote the benefits of quitting and encourage anyone wanting to give up smoking to access Wales' free NHS support service, [HelpMeQuit](#) on 0800 085 2219.

Making it work - enforcing the smoke-free law

We expect most people will comply with the smoke-free legislation in Wales. The smoking ban introduced in 2007 is largely self-policing with high levels of public support and public compliance. We expect this will continue with the extensions to the legislation being introduced on 1 March 2021.

Authorised officers within each Local Authority are responsible for enforcing the current smoke-free legislation across Wales, and will continue to do so when the new regime comes into force on 1 March 2021. The police are responsible for enforcing the smoke-free provisions in relation to vehicles. Both already work closely with businesses to build compliance through advice and support and we expect this will continue. The legislation does however provide that enforcement action can be taken, by way of fixed penalty notices, if an offence has been committed. The offences and fines levels provided for are:

- offence of smoking in a smoke-free premises or vehicle - £100, discounted to £75
- offence of failing to display a sign - £200, discounted to £150
- offence of smoking in a vehicle where a child is present - £100, discounted to £75
- offence of failing to prevent smoking in a smoke-free premises or vehicle (including outdoor care settings for children, school grounds, hospitals grounds and public playgrounds) – if found guilty of an offence, a person is liable on summary conviction to a fine not exceeding level 4 on the standard scale

As is currently the case, the local authority will investigate all complaints and it is the intention that enforcement action is considered only when the seriousness of the situation warrants it and that the action taken will be fair, proportionate and consistent. Enforcement inspections will be based on risk and, where possible, combined with other regulatory inspections to help reduce burdens on

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businesses.

Action to consider if someone ignores the smoking ban

We are confident that the majority of the people in Wales will continue to respect the law on smoking. However, it is important that those responsible for smoke-free premises and vehicles (including those outdoor smoke-free areas) have a strategy for dealing with someone who decides to smoke in a smoke-free place. The following chart sets out some steps that could be taken.

Approach the person and draw attention to the 'No Smoking' signs (if the person is smoking in a place where a sign is required). Politely ask them to stop smoking.

Advise the person that it is an offence for you (as owner, manager etc.) to let anyone smoke. You should also advise them that they too are committing an offence by smoking in a smoke-free area.

If the person smoking is an employee and continues to smoke:

- explain that the purpose of the smoke-free legislation is to ensure that there is a safe environment for all, free from the harms of second-hand smoke
- if required, implement your disciplinary procedure for non-compliance with your workplace's smoke-free policy

If the person smoking is a customer, visitor etc and continues to smoke:

- ask them to leave the smoke-free premises (and, where relevant, inform them where they can smoke)
- if they refuse to leave, implement the normal procedure for anti-social / illegal behaviour in the premises

Maintain a record of all such incidents and outcomes.

In all cases where physical violence or intimidation is threatened or encountered,

seek the assistance of the police.

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