



Notification Number: 2005/387/UK

The Prohibition of Smoking in Certain Premises (Scotland) Regulations 2005

Date received : 29/07/2005

End of Standstill : 31/10/2005

Message

Message 001

Communication from the Commission - SG(2005) D/51734

Directive 98/34/EC

Notificación - Oznámení - Notifikation - Notifizierung - Teavitamine - Γνωστοποίηση - Notification - Notification - Notifica - Pieteikums - Pranešimas - Bejelentés - Notifika - Kennisgeving - Zawiadomienie - Notificação - Hlásenie-Obvestilo - Ilmoitus - Anmälan : 2005/0387/UK.

No abre el plazo - Nezahtuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist.

(MSG: 200501734.EN)

1. Structured Information Line

MSG 001 IND 2005 0387 UK EN 31-10-2005 28-07-2005 UK NOTIF 31-10-2005

2. Member State

United Kingdom

3. Department Responsible

Department of Trade and Industry: Standards and Technical Regulations Directorate.

3. Originating Department

Scottish Executive: Health Department.

4. Notification Number

2005/0387/UK -X00M

5. Title



The Prohibition of Smoking in Certain Premises (Scotland) Regulations 2005

6. Products Concerned

Tobacco and any substance or mixture which includes it and any other substance or mixture which is in a form or receptacle in which it can be smoked.

7. Notification Under Another Act

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8. Main Content

The draft Regulations extend to Scotland only and provide for a prohibition on the smoking of tobacco, any substance or mixture which includes it or any other substance or mixture in no-smoking premises. No-smoking premises are defined in the regulations as being those premises or classes of premises specified in Schedule 1 to the draft Regulations, which are wholly or substantially enclosed. All of the premises listed as no-smoking premises must, by virtue of section 4(4) of the Act under which the regulations are made, fall within one of four categories, namely premises to which the public or a section of the public has access, premises which are being used wholly or mainly as a place of work, premises which are being used by and for the purposes of a club or other unincorporated association and premises which are being used wholly or mainly for the provision of education or of health or care services. Those premises or parts of premises which are excluded from the definition of "no-smoking premises" are specified in Schedule 2 to the draft Regulations. The draft Regulations provide requirements as regards the specification of no-smoking signs in and on no-smoking premises. The primary purpose of the prohibition on smoking in no-smoking premises is to protect the health of the public from toxic environmental tobacco smoke.

9. Brief Statement of Grounds

Tobacco use is the leading cause of preventable ill health in Scotland, causing 13,000 deaths each year, around 1,000 of which are from the effects of passive smoking/secondhand smoke. The Scientific Committee on Tobacco and Health reviewed the evidence on the health effects of passive smoking in 2004 and concluded that it increased risk to non-smokers of lung cancer of 24%, increased risk of ischaemic heart disease of 25% and there was a strong link to a number of adverse health effects in children. International evidence, accumulated over a number of years, advises that current ventilation and air filtration systems do not eliminate the health risks associated with secondhand smoke. In addition to the health benefits for non-smokers, research also shows that regulation of smoking in enclosed public places helps to reduce the consumption of tobacco products. The draft Regulations are being made under sections 3(3), 4(2), 4(3), 4(7) 40(1)(b) of, and paragraphs 2, 4(1), 5(2) and 12 of Schedule 1 to, the Smoking, Health and Social Care (Scotland) Act 2005.

10. Reference Documents - Basic Texts

a) The draft Regulations are attached along with a copy of the Smoking, Health and Social Care (Scotland) Bill 2005 under which the Regulations are being made. The Bill was passed by the Scottish Parliament on 30 June 2005 and will receive Royal Assent in August 2005 whereby it will become the Smoking, Health and Social Care (Scotland) Act 2005.

11. Invocation of the Emergency Procedure

No



12. Grounds for the Emergency

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13. Confidentiality

No

14. Fiscal measures

No

15. Impact assessment

The Regulatory Impact Assessment (RIA) is attached. In addition, the report of the International Review of the Health and Economic Impact of the Regulation of Smoking in Public Places, commissioned by the Scottish Executive to support its consideration of the regulation of smoking in enclosed public places, is available at <http://www.hebs.com/researchcentre/pdf/InternationalReviewFullReport.pdf>

16. TBT and SPS aspects

TBT Aspect

No.

The draft does not have a significant effect on international trade.

SPS Aspect

No.

The draft is not a sanitary or phytosanitary measure in the sense of Annex A of the SPS Agreement.

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