

SMOKING OF TOBACCO PRODUCTS IN PUBLIC PLACES

No. R. 975 29 September 2000

NOTICE RELATING TO SMOKING OF TOBACCO PRODUCTS IN PUBLIC PLACES

The Minister of Health has, in terms of section 2 of the Tobacco Products Control Act, 1993 (Act No. 83 of 1993), as amended, declared the public places specified in the Schedule as permissible smoking areas, subject to the conditions also specified in the Schedule.

Definitions

1. In this Notice, "the Act" means the **Tobacco Products Control Amendment Act, 1999 (Act No. 12 of 1999)**, and, unless the context indicates otherwise -

"pub, "bar" or "tavern" means a public place where the primary business of the place is to sell alcoholic beverages to the general public, for consumption on the premises;

"restaurant" means a public place where the primary business of the place is the sale of prepared food to the general public, for consumption on or off the premises; and

"smoking establishment" means an establishment where the primary business is to sell tobacco products to the general public for consumption on or off the premises, and to provide for related business activities.

Smoking areas

2. Smoking of tobacco products is prohibited in Public Places, with exception to the following:

(a) Smoking establishments;

(b) Bars, pubs, taverns or any other public place where the primary business is the sale of alcohol beverages, subject to clause 3;

(c) Night clubs, casinos or any other public place where the primary business is the provision of entertainment, subject to clause 3;

(d) Restaurants, subject to clause 3;

(e) Hotels, guest houses, bed and breakfast places, game lodges and other places where accommodation is offered for sale, subject to clause 3;

(f) Passenger ships registered in the Republic, subject to clause 4;

(g) Passenger trains operating in the Republic, subject to clause 5;

(h) Work places, subject to clauses 3, 6, 7; and 8

(i) Airports, subject to clause 3.

3. An employer, owner, licensee, lessee or person in control of a public place may designate a portion of a public place as a smoking area, provided that-

(a) The designated smoking area does **not exceed 25%** of the total floor area of the public place (Fines for contravention of this legislation can be up to R 50 000-00)

(b) The designated smoking area is separated from the rest of the public place by a solid partition and an entrance door on which the sign "SMOKING AREA" is displayed, written in black letters, at least 2cm in height and 1,5 cm in breadth, on a white background;

(c) The ventilation of the designated smoking area is such that air from the smoking area is directly exhausted to the outside and is not re-circulated to any other area within the public place;

(d) The message: "**SMOKING OF TOBACCO PRODUCTS IS HARMFUL TO YOUR HEALTH AND TO THE HEALTH OF CHILDREN, PREGNANT OR BREASTFEEDING WOMEN AND NON-SMOKERS. FOR HELP TO QUIT PHONE (011) 7203145**" is displayed at the entrance to the designated smoking area, written in black letters, at least 2cm in height and 1,5 cm in breadth, on a white background; and

(e) **Notices and signs** indicating areas where smoking is permitted and where it is not permitted must be permanently displayed and signs indicating that smoking is not permitted must carry the warning: "ANY PERSON WHO FAILS TO COMPLY WITH THIS NOTICE SHALL BE PROSECUTED AND MAY BE LIABLE TO A FINE";

NOTE :

The **smoking room** must be adequately ventilated in terms of the **National Building Regulations and Building Standards Act 104 of 1977**, by means of mechanical ventilation. Any proposed mechanical ventilation system must be designated by, or under, the supervision of a professional engineer or other approved competent person. Details of the mechanical ventilation system must include specifications as to the position of air ducts, plenums, inlets, grills and louvers as well as the proposed rates of air supply and/or extractions at any such openings.
