

RESPONSE TO

**THE DRAFT SMOKE-FREE (GENERAL PROVISIONS) REGULATIONS
(NORTHERN IRELAND) 2007**

AND

**THE DRAFT SMOKE-FREE (EXEMPTIONS, VEHICLES, PENALTIES AND
DISCOUNTED AMOUNTS) REGULATIONS (NORTHERN IRELAND)
2007**

CONSULTATION QUESTIONNAIRE

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DRAFT SMOKE-FREE (GENERAL PROVISIONS) REGULATIONS (NORTHERN IRELAND) 2007

Q1. Draft regulation 3 sets out proposed requirements for the content and display of no-smoking signs in premises. Each entrance to smoke-free premises will be required to display a no-smoking sign that meets the standard minimum requirements i.e. a flat rectangular sign with minimum dimensions of 148mm by 210 mm, display the international “no smoking” symbol and carry the words “No smoking. It is against the law to smoke in these premises” (Paragraphs 2.6 – 2.11 of the consultation document refer).

Do you agree with the proposals for the content and display of no-smoking signs in premises set out in regulation 3?

Yes No

If you wish to comment, please do so here.

The BMA(NI) would also call for smoke free exclusion zones around entrances to buildings that fall within the remit of smoke free regulations.

Q2. Draft regulation 4 sets out proposed requirements for the content and display of no-smoking signs in smoke-free vehicles. The operator of the smoke-free vehicle will be required to ensure that at least one no-smoking symbol is displayed in each compartment of his vehicle. The no smoking symbol consists of a graphic representation of a burning cigarette enclosed in a red circle with a red bar across it, at least 75mm in diameter (Paragraphs 2.12 – 2.15 of the consultation document refer). **Do you agree with the proposals for the content and display of no-smoking signs in smoke-free vehicles?**

Yes No

If you wish to comment please do so here.

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Q3. Draft regulation 2 sets out a proposed exemption for a private dwelling. Those parts of the dwelling that are shared with other premises (including other private dwellings) such as communal lifts, indoor stairwells, communal corridors in a block of flats etc., which are open to the public or used as places of work will be smoke-free. It is proposed that any part of a private dwelling that is used solely as a place of work by more than one person will be smoke-free. The smoke-free requirement will not apply to work that is undertaken in any part of private dwellings for the provision of personal care for the person living there or to maintain the structure or fabric of the building etc (Paragraphs 3.3 – 3.6 of the consultation document refer). **Do you agree with the proposals in the draft regulations for private accommodation?**

Yes No

If you wish to comment please do so here.

The BMA(NI) recognizes the right of the individual to smoke within their own private dwelling.

The BMA(NI) would hope that such individuals also recognize the harm they are doing to themselves and anyone else living in that private dwelling.

However, there does need to be some sort of protection for carers and home helps, GPs, Nurses and anyone else who will at some stage work in someone's home. Their health and safety needs to be protected from the dangers of passive smoking.

The BMA(NI) would call for the publication of policy guidance on how these employees should handle situations where they find themselves in a smoke filled environment.

Q4. Draft regulation 3 sets out proposed exemptions for designated bedrooms in a hotel, guest house, inn, hostel or members' club. It also specifies certain conditions which must be satisfied (Paragraphs 3.7 – 3.8 of the consultation document refer). **Do you agree with the proposed exemptions and conditions in draft regulation 3 for hotels, guest houses, hostels etc?**

Yes No

If you wish to comment please do so here.

While it may be argued that a particular room may be deemed as someone's place of temporary residence, it is still a place of work for various hotel staff.

All rooms should be smokefree.

Q5. Draft regulation 4 sets out proposed exemptions for designated rooms in residential care homes and nursing homes, hospices and those mental health units that provide long-term residential accommodation (long-term is defined as accommodation which, in the normal course of events, is provided for patients to occupy for not less than 6 months). It also specifies certain conditions which must be satisfied (Paragraphs 3.9 – 3.11 refer). **Do you agree with the proposed exemptions and conditions in draft regulation 4 for care homes & nursing homes, hospices and mental health units?**

Yes No

If you wish to comment please do so here.

The BMA(NI) recognizes the context set out by the draft regulations and the how tobacco addiction can affect those in long term care.

However, many long term residents in care homes & nursing homes, hospices and mental health units already suffer from health inequalities and their disadvantaged situation. If these premises are given exemptions for designated rooms both residents and staff working on the premises will continue to be exposed to life threatening passive smoke.

The prevalence of smoking is high amongst those with mental health problems, are more likely to be heavier smokers and are more likely to be dependant on smoking than the general population. Any

exemption for mental health units may therefore exacerbate health inequalities for patients who reside at the unit.

This can also be applied to all the other possible exemptions as smoking and passive smoking reduces length and quality of life.

The BMA(NI) recognises the difficulties this may incur to those who are dependant or addicted to tobacco. Therefore smoking cessation should be offered to those who require it and that everyone should be supported in quitting their addiction.

Also, the definition of 'long term' in this context is redundant as very few residents stay at these premises less than the stated 6 months.

Q6. Draft regulation 8 sets out a proposed exemption for a designated room in a research or testing facility. This includes research or tests in relation to smoking and smoking cessation (Paragraphs 3.15 – 3.16 refer). **Do you agree with the proposed exemption in draft regulation 8 in relation to research and testing facilities?**

Yes No

If you wish to comment please do so here.

It must be made absolutely clear that the designated room in a research or testing facility to be exempted is not used by staff or visitors for a place for them to smoke themselves.

Q7. Draft regulation 9 sets out proposals for certain vehicles to be smoke-free (Paragraphs 3.27 – 3.32 refer). **Do you agree with the proposals for smoke-free vehicles?**

Yes No

If you wish to comment please do so here.

The BMA(NI) welcomes this move.

It should also be noted that many people would consider someone smoking whilst driving is just as dangerous to road users as someone using a mobile phone whilst driving.

The BMA(NI) notes that whilst things like eating, drinking, smoking, tuning the car stereo, or even applying make-up are not against the law, drivers can be charged with driving without due care and attention or not being in proper control of their vehicle.

Vehicles travelling at speed are potentially lethal. In Northern Ireland, as at November 2006, road traffic accidents resulted in 106 fatalities, in November 2005 it was 107 fatalities. As at 31 March 2006 there had been 1,157 collisions due to Inattention, 580 collision emerging from minor road/driveway without care, 273 collisions turning right without care, and 262 collisions crossing or entering road junction without care. If smoking (including lighting and extinguishing) contributed to any of these collisions then police would need to take account of this potential hazard.

For further Information:

Campion J., McNeill A., Chęcinski K., **Exempting mental health units from smoke-free laws**, BMJ 2006, Vol 333, pages 407-408 <http://bmj.bmjournals.com/cgi/reprint/333/7565/407.pdf>

British Medical Association, **Behind the Smokescreen: The Myths and the Facts**, BMA 2005 [http://www.bma.org.uk/ap.nsf/AttachmentsByTitle/PDFsmokescreen/\\$FILE/BehindtheSmokescreen.pdf](http://www.bma.org.uk/ap.nsf/AttachmentsByTitle/PDFsmokescreen/$FILE/BehindtheSmokescreen.pdf)

Police Service of Northern Ireland, **Injury Road Traffic Collision Statistics**, http://www.psni.police.uk/index/statistics_branch/pg_road_traffic_related_statistics.htm

Police Service of Northern Ireland, **Statistical Report Number 5. Injury Road Traffic Collisions 1st April 2005 to 31st March 2006**, PSNI 2006 http://www.psni.police.uk/5_injury_road_traffic_collisions_and_casualties.pdf

Government of Victoria Road Safety Committee, **Inquiry into Driver Distraction**, Victorian Government Printer 2006 http://www.parliament.vic.gov.au/rsc/Distraction/RSC-Transcript_Distraction-FinalReport_2006-08-24.pdf