

25<sup>th</sup> October, 2006

Mr R J Gibson  
Investing for Health Team (Tobacco Control)  
Department of Health, Social Services and Public Safety  
Room C4.22  
Castle Buildings  
Belfast  
BT4 3SQ

Dear Mr Gibson,

**Re: Draft Regulations on Smoking (Northern Ireland) Order 2006**

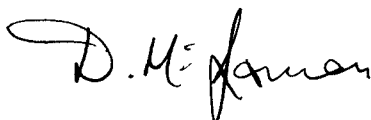
Please find enclosed our response to the consultation. In reply to your e-mail, dated 6<sup>th</sup> October 2006, we have responded specifically to Question 6, regarding the proposed exemption for a designated room in a research or testing facility.

For avoidance of any doubt, we are not suggesting any of our activities would breach the current draft NI regulations. However, given the complex nature of the scientific work conducted in our facility and the importance of this to us as an employer of around 900 people in Northern Ireland, we are simply seeking clarification that the Regulations would cover the full extent of the research and development activity that we undertake. We set this out for you in detail in our previous correspondence (please see attached correspondence of 2<sup>nd</sup> May 2006 and 11<sup>th</sup> August 2006). For ease of reference, our requirements for research and testing at our Northern Ireland research and development facility are as follows:

- Measurement of smoke constituents in mainstream and sidestream smoke in compliance with regulatory requirements;
- Expert panels to ensure product quality and consistency;
- Research into the risks associated with our products;
- Development of potentially reduced exposure/risk products;
- Exploration of innovative product propositions; and,
- The assessment of environmental tobacco smoke and the effectiveness of ventilation.

If you would like to discuss these in more detail please give me a call.

Yours sincerely,



Daniel McLarnon  
Head of Group Research and Development

**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**

**SEPTEMBER 2006**

## **INTRODUCTION**

### **Purpose**

This Questionnaire seeks views on:

1. the draft Smoke-free (General Provisions) Regulations (Northern Ireland) 2007;  
and
2. the draft Smoke-free (Exemptions, Vehicles, Penalties and Discounted Amounts) Regulations (Northern Ireland) 2007.

It should be read in conjunction with the consultation document which includes the draft regulations.

### **Background**

The draft Smoking (Northern Ireland) Order 2006 (the draft Order) is currently before Parliament. It is anticipated that it will complete its legislative process in November 2006. If approved, the Order will come into operation in April 2007, provide for enclosed public places and workplaces to be smoke-free and give the Department of Health, Social Services and Public Safety (the Department) the power to make regulations in a number of areas. The draft regulations that the Department proposes to make, have been drawn up on the assumption that the draft Order will be approved by Parliament.

### **Consultation**

Responses to the consultation must be received by not later than 5.00pm on 3 November 2006.

**In order to facilitate analysis it is important that respondents use this Questionnaire.**

**Responses to this consultation may be made online at:**

**[http://www.dhsspsni.gov.uk/index/consultations/current\\_consultations.htm](http://www.dhsspsni.gov.uk/index/consultations/current_consultations.htm)**

## QUESTIONNAIRE

### **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.**

**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.**

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

**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.**

**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.**

**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.**

**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.**

Gallaher is in agreement with the proposal for an exemption for research and testing purposes. It will enable Gallaher to continue to conduct research and development activities in its Lisnafillan facility. Such activities are necessary not only to comply with national and international regulations but also to ensure acceptability and quality of new and existing products and to assist in fulfilling the duty of care owed to our customers.

**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.**