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M A T E R H O S P I T A L

7 November 2006

Investing for Health Team (Tobacco Control)  
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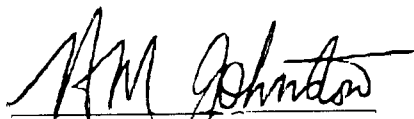
Dear Sirs

**The Draft Smoke-Free Regulations  
Consultation Questionnaire**

I have been unable to email the Trust's response to the Draft Smoke Free Regulations and I am sending our response by fax.

I appreciate that we have not met the 3 November 2006 deadline but would ask that the Trust's response is considered.

Yours sincerely

  
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Corporate Affairs Manager



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**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  **in part**

No

**If you wish to comment please do so here.**

The Mater Hospital Trust fully supports the proposed exemptions for designated rooms as specified in the draft legislation.

However, the Trust believes that the time period definition of long stay mental health units is too restrictive and too short. The Trust has four in-patient mental health wards and a significant number of patients have length of stays in excess of one month. A small number of patients are detained under the Mental Health Order and their access within the ward and the building is restricted. Due to concerns regarding absconding whilst in need of medical treatment, they are not permitted outside the building without nursing escorts. As the legislation is currently drafted the Trust will not be permitted to provide any type of restricted in house smoking facility for mental health patients. The option of smoking outside will present the Trust with difficulties in how to safely manage such patients and at the same time provide a safe environment for staff and other patients. At present within our mental health building a smoking room is provided but access to it is restricted on a 'last resort' basis for patients who become distressed/disturbed.

The Mater Hospital Trust intends becoming 'smoke free' from January 2007, and has conducted a public consultation exercise of its policy. The majority of responses support the Trust's policy and also highlight the needs of our mental health and elderly patients asking us to adopt a sympathetic approach that supports them to curtail/stop smoking.

The Trust would request that the needs of in patient mental health units be reviewed, so that a more compassionate and manageable process is adopted to assist patients during episodes of acute personality/behaviour illness.

**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.**

**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.**