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GOVERNMENT NOTICE

DEPARTMENT OF HEALTH

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.

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 permitted in the following public places:

   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;
   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) 720 3145" 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";

4. The operator of any passenger ship that is registered in the Republic may allocate not more than 25% of the total accommodation as designated smoking areas.
5. The operator of any passenger train operating in the Republic with the total number of carriages exceeding 10 (ten) may allocate not more that 25% of the entire train as a designated smoking area. In the case where the number of carriages does not exceed 10 (ten), only 1 (one) carriage may be designated as a smoking area.
6. An employer, owner, licensee, lessee or person in control of a public place must ensure that no person smokes anywhere other than in the designated smoking area in that public place.
7. An employer must ensure that-

   a. employees who do not want to be exposed to tobacco smoke in the workplace are protected from tobacco smoke in that workplace; and
   b. employees may object to tobacco smoke in the workplace without retaliation of any kind.

8. Employers must have a written policy on smoking in the workplace, and the policy must be applied within three months from the date of coming into operation of the Tobacco Products Control Amendment Act, 1999 (Act No. 12 of 1999).
9. Any employer, owner, licensee, lessee or person in control of any public place or part of a public place may totally prohibit smoking in that place.
10. This Notice comes into operation three months after the date on which the Act comes into operation.
11. Where structural changes are necessary in order to comply with this Notice, written applications requesting exemption for periods of up to six months will be considered. Applications must set out clear details of the nature and extent of the proposed structural changes, as well as an indication of the exact time envisaged to make the structural changes. Applications must be addressed to: The Director-General: Health, Private Bag X828, PRETORIA 0091

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MINISTER OF HEALTH