

ORDINANCE
OF THE STATES OF DELIBERATION

ENTITLED

The Notice of Smoking in Public Places Ordinance, 2004 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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* No. IX of 2004. See also the Tobacco Products (Enabling Provisions) (Guernsey) Law, 2010 (No. IV of 2012).

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ARRANGEMENT OF SECTIONS

1. Interpretation.
2. Requirement to exhibit notice.
3. Defence of due diligence.
4. Penalties under section 2.
5. Extent.
6. Citation.

(Made on 10th March, 2004.)

The Notice of Smoking in Public Places Ordinance, 2004

THE STATES, in pursuance of their Resolution of 26th April, 2002^a, hereby order: –

Interpretation.

1. In this Ordinance, unless the context otherwise requires –

"food supply business" means any business in the course of which food is served and consumed on the premises,

"proprietor", in relation to a food supply business, means the person by whom that business is carried on,

"food supply premises" means any premises used for the purposes of a food supply business,

"premises" includes any place, any vehicle, stall or moveable structure and any ship or aircraft.

NOTE

In accordance with the provisions of the Tobacco Products (Enabling Provisions) (Guernsey) Law, 2010, section 3, Schedule 2, with effect from 1st December, 2015, this Ordinance is one of those enactments which may be amended, repealed or revoked by ordinance under the 2014 Law.

^a Article X of Billet d'État No VI of 2002.

Requirement to exhibit notice.

2. (1) Every proprietor of a food supply business must exhibit in a prominent place, next to and clearly visible from every public entrance to the food supply premises, a notice indicating whether smoking on the premises is –

- (a) permitted throughout, or
- (b) prohibited throughout, or
- (c) permitted and prohibited, each in separate areas.

(2) A person who fails to exhibit a notice under subsection (1) shall be guilty of an offence.

(3) Where a notice is exhibited in accordance with subsection (1)(c), the separate areas in which smoking is either permitted or prohibited shall be clearly indicated inside the food supply premises and any person who contravenes this subsection shall be guilty of an offence.

Defence of due diligence.

3. It shall be a defence for a person charged with an offence under section 2(2) or section 2(3) to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by himself, or by a person under his control.

Penalties under section 2.

4. A person guilty of an offence under section 2 shall be liable on summary conviction to a fine not exceeding level 2 on the uniform scale.

Extent.

5. This Ordinance shall apply throughout the Islands of Guernsey and Herm.

Citation.

6. This Ordinance may be cited as the Notice of Smoking in Public Places Ordinance, 2004.

NOTE

The Ordinance was made and came into operation on 10th March, 2004.
