
PROTECTION OF HEALTH (CONTROL OF SMOKING) (AMENDMENT)
ORDINANCE 2009

An Ordinance to amend the Protection of Health (Control of Smoking) Ordinance 1981

J. H. GORDON
ADMINISTRATOR

16th December 2009.

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:—

1. Short title

This Ordinance may be cited as the Protection of Health (Control of Smoking) (Amendment) Ordinance 2009.

2. Section 2 (Interpretation) amended

Section 2 of the Protection of Health (Control of Smoking) Ordinance 1981(**a**) (“the principal Ordinance”) is amended by revoking the definition of “prescribed public place” and replacing it with the following—

““public place” means a public building, area of public or public utility services, financial institution, university, school or any other educational institution, airport, port, hospital (including rural health centres and outpatient surgeries), public or private home for the elderly or disabled persons, private clinic, private doctor’s or dentist’s office, private pharmacy, cinema, theatre, room for the projection of video or digital discs, museum, art gallery, concert room, cultural centre, public library, enclosed sports area, hotel, factory, premises used for the production or packaging or sale of foodstuffs, room used for the preparation of food, elevator, shopping mall, association or club (irrespective of whether entrance is restricted to members), kiosk, betting agency, billiard or snooker room, pool hall, place of events for minors, internet café, coffee shop or place of entertainment including a restaurant, cafeteria, bar, cabaret, reception hall, discothèque and dancing hall;”.

3. Section 5 (Prohibition of smoking in certain places) repealed and replaced

Section 5 of the principal Ordinance is repealed and replaced with the following—

“5. Prohibition of smoking in public places

- (1) A person must not smoke in a public place, except in an area of that place which is neither enclosed nor substantially enclosed.
- (2) A person who contravenes subsection (1) commits an offence and is liable to a fine of €2,000.
- (3) If a person smokes in a public place in contravention of subsection (1), any person who controls or is concerned in the management of that place also commits an offence and is liable to a fine of €2,000 unless they have taken all reasonable measures to prevent smoking in contravention of subsection (1).”.

4. Repeals

The Protection of Health (Control of Smoking) (Amendment) Ordinance 2007**(b)** and the Protection of Health (Control of Smoking) (Amendment) Ordinance 2008**(c)** are repealed.

5. Commencement

This Ordinance comes into force on 1 January 2010.

Notes

- (a)** Ordinance 8/81, which has previously been amended by Ordinances 11/88, 11/96, 20/00, 24/07 and 8/08.
- (b)** Ordinance 24/07.
- (c)** Ordinance 8/08.

EXPLANATORY NOTE

(This note does not form part of the Ordinance)

Introduction

1. This explanatory note relates to the Protection of Health (Control of Smoking) (Amendment) Ordinance 2009. It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Ordinance. It does not form part of the Ordinance.
2. The note should be read in conjunction with the Ordinance. It is not, and is not meant to be, a comprehensive description of the Ordinance. So when a section or part of a section does not seem to require any explanation or comment, none is given.

Particular points

3. The Ordinance amends the Protection of Health (Control of Smoking) Ordinance 1981, mirroring the effect of the Republic's Protection of Health (Control of Smoking) (Amendment) Law 2009 (Law 89(I)/2009). The Ordinance inserts a new and wider definition of "public place", which includes all coffee shops, restaurants, cafeterias and bars. It also substitutes a new section 5, which makes it an offence to smoke in any public place, except in an area which is neither enclosed nor substantially enclosed (eg. an uncovered courtyard). The manager of the public place also commits an offence if a person smokes there unless they have taken all reasonable measures to prevent it. The penalty for these offences is a fine of up to €2,000.
4. The Protection of Health (Control of Smoking) (Amendment) Ordinances 2007 and 2008 are repealed as the latter reversed the amendments made by the former.

