

L.N. 23 of 2010

**TOBACCO (SMOKING CONTROL) ACT
(CAP. 315)**

Smoking in Public Places Regulations, 2010

IN exercise of the powers conferred by article 9 of the Tobacco (Smoking Control) Act, the Minister for Social Policy has made the following regulations:-

1. The title of these regulations is Smoking in Public Places Regulations, 2010. Title.

2. In these regulations, unless the context otherwise requires: Interpretation.

“accommodation” means premises furnished and equipped to provide living accommodation to individual persons and licensed by the Malta Tourism Authority;

“designated smoking room” is any room intended for the purpose of smoking any tobacco product;

“enclosed area” means any space covered by a roof and enclosed by more than one wall or side, regardless of the material used for the roof, wall or sides, and regardless of whether the structure is permanent or not;

“premises” includes any structure whether temporary or not, to which the public have or are permitted to have access, whether on payment or otherwise, but excludes buildings intended for private residential purposes;

“responsible person” means any person who at any time is performing, supervising or managing any operation being carried out in any premises to which these regulations apply and shall include any person acting on his behalf or on behalf of his employer;

“Superintendent” means the Superintendent of Public Health.

Ban on smoking in enclosed areas.

3. (1) No person shall smoke any tobacco product in any enclosed area.

(2) It shall be the duty of the responsible person not to allow smoking of any tobacco product to be carried out in any enclosed area within his premises.

(3) However smoking is permissible in individual rooms in any accommodation premises used for sleeping purposes and which are occupied solely by smoking patrons:

Provided that this exemption does not affect other rooms occupied or which may be occupied by non-smokers.

Designated smoking rooms.

4. (1) Designated smoking rooms shall be in accordance with criteria established by the Superintendent and published in the Gazette.

(2) It shall not be lawful for any person to smoke or allow smoking in a designated smoking room after the 1st January 2013:

Provided that:

(a) it shall be the duty of the responsible person to notify the Superintendent of Public Health, within two months from the coming into force of these regulations, of the existence of any designated smoking room which falls under his responsibility; and

(b) in the case of designated smoking rooms which are to be used after the coming into force of these regulations, the aforementioned notification shall be effected immediately prior to their use.

Other laws and regulations.

5. These regulations shall be without prejudice to other laws and regulations enacted to protect further the health of the community from the effects of exposure to tobacco smoking.

Revokes L.N. 414 of 2004.

6. The Smoking in Premises Open to the Public Regulations, 2004 are hereby being revoked.

