

**THIRD SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 4,101 of 31st July, 2014

B. 25/14

BILL

FOR

AN ACT to amend the Smoke-Free Environment Act 2012 and for connected purposes.

ENACTED by the Legislature of Gibraltar.

Title and Commencement.

1. This Act may be cited as the Smoke-Free Environment (Amendment) Act 2014 and comes into operation on the day of publication.

Amendment of the Smoke-Free Environment Act 2012.

2. After section 10 of the Smoke-Free Environment Act 2012 insert the following section—

“Premises covered by a gaming operator’s licence.

10A.(1) Smoking is not prohibited in part of an establishment covered by a gaming operator’s licence—

- (a) if such part—
 - (i) has a ceiling and, except for doors and windows, is completely enclosed on all sides by solid, floor-to-ceiling walls;
 - (ii) does not have a ventilation system that ventilates into any smoke-free premises;

- (iii) does not have any door that opens onto smoke-free premises which is not mechanically closed immediately after use;
 - (iv) is clearly marked as premises in which smoking is permitted; and
 - (v) has been approved for the purposes of this section by the Minister with responsibility for Gaming in consultation with the Minister with responsibility for Health and the Director of Public Health; and
- (b) the condition set out in set out in subsection (2) and such other conditions as may be made with respect to the particular approval in accordance with subsection (3) are complied with.
- (2) It shall be a condition of any approval made under this section that—
- (a) notwithstanding any licence which would otherwise have effect, the sale by retail of alcohol for consumption on the premises is not be permitted within the part of the establishment to which the approval relates; and
 - (b) the part of the establishment to which the approval relates has a ventilation system approved for the purposes of this section by the Minister with responsibility for Gaming in consultation with the Minister with responsibility for Health and the Director of Public Health.
- (3) An approval made under this section may, in addition to the condition set out in subsection (2), include such conditions as the Minister with responsibility for Gaming deems appropriate.
- (4) The Minister with responsibility for Gaming shall publish in the Gazette any approval made under subsection (1)(a)(v).
- (5) In this section “gaming operator’s licence” means a gaming operator’s licence issued in accordance with the Gambling Act 2005.”.

Calculation of additional discount in accordance with section 277B of the Public Health Act.

3. The part of a hereditament which is subject of an approval made in accordance with section 10A of the Smoke-Free Environment Act 2012 shall not attract an additional discount in accordance with section 277B of the Public Health Act.

EXPLANATORY MEMORANDUM

This Bill amends the Smoke-Free Environment Act 2012 so as to permit smoking in certain parts of premises covered by a gaming operator's licence in specified circumstances.

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