

Subsidiary Legislation made under s.10A.

Section 10A Approval

Casino Admiral Gibraltar Ocean village Gibraltar

LN.2014/235

Commencement **4.12.2014**

In accordance with section 10A of the Smoke-Free Environment Act 2012 the Minister with responsibility for Gambling, in consultation with the Minister with responsibility for Health and the Director of Public Health, made the following approval—

Smoking shall not be prohibited, subject to the conditions contained herein, within designated and fully enclosed smoking areas within Casino Admiral Gibraltar, Ocean Village, Gibraltar which shall represent no more than 9% of the total floor space of the casino as set out as shaded areas in the plans in the Schedule hereto.

The approval is subject to the following conditions—

1. The establishment is covered by a gaming operator's licence;
2. The part of the establishment where smoking is not prohibited—
 - (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; and
 - (iv) is clearly marked as premises in which smoking is permitted;

3. Notwithstanding any licence which would otherwise have effect, the sale by retail of alcohol for consumption on the premises is not permitted within the part of the establishment to which this approval relates;
4. The part of the establishment where smoking is not prohibited has a ventilation system which meets the following specifications—
 - (i) the system must ventilate the part of the establishment where smoking is not prohibited a by a minimum of 20 fresh air changes per hour;
 - (ii) air extraction systems must be installed over access points to parts where smoking is not prohibited as an additional air flow measure so as to create positive pressure in the lobby;
 - (iii) there shall be no recirculation of air within parts where smoking is not prohibited;
5. Subject to paragraph 6, employees (including for the purposes of this approval, contractors and service engineers) must be restricted from accessing any part where smoking is not prohibited until 1 hour after part was last smoked in, other than—
 - a. during normal operational hours for emergencies;
 - b. during normal operational hours for occasional unexpected technical issues, at which time the following applies:
 - i. employees may enter the part to attend a technical issue; and
 - ii. the time spent in the part must be kept to a minimum.
6. Regular, recorded inspections of parts where smoking is not prohibited must be completed by authorised, trained employees for health and safety and hygiene purposes only, at which time the following applies:
 - a. authorised employees entering for such purposes must receive adequate training;
 - b. such training shall ensure that time spent in the part is kept to a minimum;
 - c. where appropriate protective masks and clothing shall be provided.
7. Employees—

- a. subject to paragraphs 5 and 6, must not be permitted in the parts where smoking is not prohibited at any time during which they are on duty;
 - b. shall not, at any time during which they are on duty, be permitted to smoke within the parts where smoking is not prohibited;
 - c. shall not be instructed to enter into a part where smoking is not prohibited where they have indicated a preference not to so enter.
8. Further conditions–
- a. the opening hours for parts where smoking is not prohibited (opening times) are restricted to between 10am to 6am;
 - b. the part must be closed for a minimum of 4 hours within every 24 hours with continued air ventilation during this period;
 - c. scheduled ventilation preventive maintenance and service work must be completed during the closed period;
 - d. opening hours of parts where smoking is not prohibited must be displayed at access points to such parts together with clear signage designating the part as one where smoking is not prohibited;
 - e. the parts shall only be used for the provision of electronic gaming, being slot machines or similar electronic roulette terminals only;
 - f. the parts are to be unmanned, and employee access restricted (subject to the exceptions above);
 - g. no more than 1/3 of the total sited slot machines or electronic roulette terminals may be placed within the parts; and
 - h. in addition to the condition set out in 3 above, no food or alcoholic beverages will be provided within, or be allowed to be consumed within such parts at any time.

This approval has effect as from 4th December 2014 and may be revoked or amended by the Minister with responsibility for Gambling at any time.

