



Health Act 2006

2006 CHAPTER 28

PART 1

SMOKING

CHAPTER 1

SMOKE-FREE PREMISES, PLACES AND VEHICLES [^{F1}IN ENGLAND]

Smoke-free premises, etc.

3 Smoke-free premises: exemptions

- (1) The [^{F1}Secretary of State] may make regulations providing for specified descriptions of premises [^{F2}in England], or specified areas within specified descriptions of premises [^{F2}in England], not to be smoke-free despite section 2.
- (2) Descriptions of premises which may be specified under subsection (1) include, in particular, any premises where a person has his home, or is living whether permanently or temporarily (including hotels, care homes, and prisons and other places where a person may be detained).
- (3) The power to make regulations under subsection (1) is not exercisable so as to specify any description of—
 - (a) premises in respect of which a premises licence under the Licensing Act 2003 (c. 17) authorising the sale by retail of alcohol for consumption on the premises has effect,
 - (b) premises in respect of which a club premises certificate (within the meaning of section 60 of that Act) has effect.
- (4) But subsection (3) does not prevent the exercise of that power so as to specify any area, within a specified description of premises mentioned in subsection (3), where a person has his home, or is living whether permanently or temporarily.

Changes to legislation: There are currently no known outstanding effects for the Health Act 2006, Section 3. (See end of Document for details)

- (5) For the purpose of making provision for those participating as performers in a performance, or in a performance of a specified description, not to be prevented from smoking if the artistic integrity of the performance makes it appropriate for them to smoke—
- (a) the power in subsection (1) also includes power to provide for specified descriptions of premises or specified areas within such premises not to be smoke-free in relation only to such performers, and
 - (b) subsection (3) does not prevent the exercise of that power as so extended.
- (6) The regulations may provide, in relation to any description of premises or areas of premises specified in the regulations, that the premises or areas are not smoke-free—
- (a) in specified circumstances,
 - (b) if specified conditions are satisfied, or
 - (c) at specified times,
- or any combination of those.
- (7) The conditions may include conditions requiring the designation in accordance with the regulations, by the person in charge of the premises, of any rooms in which smoking is to be permitted.
- (8) For the purposes of subsection (5), the references to a performance—
- (a) include, for example, the performance of a play, or a performance given in connection with the making of a film or television programme, and
 - (b) if the regulations so provide, include a rehearsal.

Textual Amendments

- F1** Words in s. 3(1) substituted (1.3.2021) by [Public Health \(Wales\) Act 2017 \(anaw 2\)](#), s. 126(2), [Sch. 2 para. 5\(a\)](#); [S.I. 2021/202](#), art. 2
- F2** Words in s. 3(1) inserted (1.3.2021) by [Public Health \(Wales\) Act 2017 \(anaw 2\)](#), s. 126(2), [Sch. 2 para. 5\(b\)](#); [S.I. 2021/202](#), art. 2

Commencement Information

- I1** S. 3 in force for certain purposes at Royal Assent, see s. 83
- I2** S. 3 in force at 2.4.2007 for W. in so far as not already in force by [S.I. 2007/204](#), [art. 2\(a\)](#)
- I3** S. 3 in force at 1.7.2007 for E. in so far as not already in force by [S.I. 2007/1375](#), [art. 2\(a\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Health Act 2006, Section 3.