



Smoking, Health & Social Care (Scotland) Act 2005

TO: ALL PRESBYTERY CLERKS IN SCOTLAND

Dear Presbytery Clerk,

I refer to my message of 17th November 2005 and shall be grateful if you will arrange to remind Congregations within the Presbytery of the new obligations which they will have to prevent smoking and put up "No Smoking" signs in Church premises in connection with the smoking ban which will come into force from 6 a.m. on 26th March 2006.

We have had a number of telephone calls from Congregational office-bearers who seem to be "somewhat in the dark" as to what is required.

Some have raised the position of AA Groups which meet on Church premises and whose members are heavy smokers. I do appreciate that, in some cases, it is likely to be stressful for members to be asked to go outside with the danger that they might then be recognised.

However, it does remain the case that the law will apply equally to such Groups. I have been in touch with the Northern Office of AA based in Glasgow. I have been advised that as each Group is autonomous, there is a limit to what the Northern Office can do. However, I gather that AA do have Regional Officers in place who will be speaking to Groups about the new legislation. If, however, there are specific problems or complaints, these should be referred to General Service Board members at Baltic Chambers, 50 Wellington Street, Glasgow G26HJ. At the end of the day, however, if local office-bearers become aware that members of an AA Group are persistently ignoring the ban, there may be no alternative but to terminate the Group's right to use the premises.

The question has also been raised with me as to who is responsible legally for ensuring compliance with the no smoking legislation. I would take the view that it is the Financial Board of a Congregation which has this responsibility. I would also mention that although the Scottish Executive is recommending the drawing up and displaying of a "Smoking Policy", this is not a statutory requirement.

As ever, if there are any particular queries which office-bearers have concerning the new legislation, the Law Department will be more than happy to try and help.

Yours sincerely,

MRS. JANETTE WILSON,
Solicitor of the Church

Thu 17/11/2005

TO: ALL PRESBYTERY CLERKS IN SCOTLAND

Dear Presbytery Clerk,

You will, no doubt, be aware of the ban on smoking in all enclosed public places which will come into force from 6 a.m. on 26th March 2006.

To enable organisations to "gear up" for the new legislation, the Scottish Executive has issued a Guide giving advice on the premises included, the obligations, for example, about putting up No Smoking signs, what to do if someone ignores the ban etc. The Guide and other information on signage etc. can be viewed on the "Clearing the Air" Executive website at:-

<http://www.clearingtheairscotland.com/faqs/guidance.html>

As you will see from the Guide, there are included under "No Smoking Premises", "premises used for, or in connection with, public worship or religious instruction, or the social or recreational activities of a religious body". Churches and Church Halls are, therefore, clearly covered whereas Manses and clergy houses will come under the exemption for residential premises. Obviously, therefore, there will be a need to educate Congregations as to the new requirements. Care sector premises may designate "Smoking Rooms".

Yours sincerely,

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Wed 08/03/2006

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