

# STATES OF JERSEY

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## **DRAFT RESTRICTION ON SMOKING (AMENDMENT) (JERSEY) LAW 200- (P.111/2005): AMENDMENTS**

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**Lodged au Greffe on 28th June 2005  
by Deputy J.L. Dorey of St. Helier**

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**STATES GREFFE**

DRAFT RESTRICTION ON SMOKING (AMENDMENT) (JERSEY) LAW 200- (P.111/2005):  
AMENDMENTS

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PAGE 18, ARTICLE 5 –

*Delete the proposed Article 1A.*

*THE FOLLOWING AMENDMENTS ARE CONSEQUENTIAL ON THE FOREGOING AMENDMENT TO ARTICLE 5.*

PAGE 21, ARTICLE 5 –

*In the heading to the proposed Article 1D, delete “, 1A”.*

PAGE 21, ARTICLE 5 –

*In paragraph (1) of the proposed Article 1D, delete “, 1A”.*

PAGE 21, ARTICLE 5 –

*Delete paragraph (2) of the proposed Article 1D.*

PAGE 21, ARTICLE 5 –

*In the proposed Article 1D, for paragraph (3), substitute the following paragraph-*

“(3) Without prejudice to the generality of Article 1(1)(b)(i), Regulations may make provision for the liability of any person who contravenes the Regulations to pay for any thing or service provided in the place of public entertainment or public transport to which the Regulations apply.”.

PAGE 22, ARTICLE 5 –

*In the proposed Article 1F, in paragraph (4) delete sub-paragraph (a).*

*Renumber subsequent provisions accordingly.*

PAGE 25, ARTICLE 6 –

*In the substituted Article 2, in paragraph (1)(a) delete “, 1A”.*

DEPUTY J.L. DOREY OF ST. HELIER

## **REPORT**

Article 1A would give the States powers to make Regulations in order to restrict, in part or wholly, smoking on any public premises where food is sold.

Some members of this community wish to smoke when out for a meal; some do not, and dislike being exposed to the tobacco smoke of others. Since smoking is a legal activity, this is a matter of personal taste. Such matters are handled, as a matter of course, by the market's reaction to consumer demand. In a free market, some eating premises will choose to allow smoking, and will be frequented, in the main, by smokers; some will ban the habit, and will be frequented, in the main, by non-smokers. What could be fairer or more reasonable? After all, some people cannot abide 'piped music', or detest the smell of curry – a democratic society does not (yet) react to such attitudes by attempting to ban all public eating places from having piped music, or from having curry on the menu!

There would, I would expect, be almost total public support for the other provisions which would be introduced by the Health and Social Services Committee's Amendment (increased penalties for breaches of existing legislation, restrictions on tobacco advertising in the Island, and restrictions on the siting and operation of cigarette vending machines). Such matters are surely non-contentious.

The power to ban smoking in any public eating place, however, is far less widely supported – for the very obvious reason that it acts (intentionally) to restrict the rights of a minority. It is therefore worthy of a debate in its own right, and it is this separate debate on a major separate issue which my Amendment seeks to achieve.

I recognise that the States, on 11th November 2003, requested the Health and Social Services Committee to bring forward for debate, legislation covering these areas. Insofar as that request related to smoking in public places where food is served, I opposed the move. I still oppose it now, because it would unnecessarily impose the lifestyle preferences of a majority on a minority.

The amendment has no implications for the financial or manpower resources of the States.