

-----Original Message-----

From: Andy.Freeman@hse.gsi.gov.uk [mailto:Andy.Freeman@hse.gsi.gov.uk]

Sent: 20 May 2005 12:57

To: Glen J (John)

Subject: The Smoking, Health and Social Care (Scotland) Act 2005 (Prohibition of Smoking in Certain Premises) Regulations 2005 Draft.

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has been swept for the presence of computer viruses.

John

Please find attached the Health and Safety Executives response to your consultation - Annex B, and a completed respondent information form - Annex D.

(See attached file: Annex B replytoCon Docon Regs.doc)

(See attached file: Con Annex D.doc)

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Annex B

Q 1 Do the definitions of words and phrases ensure clarity of what premises are covered or exempted from the regulations. If not, how might they be improved?

Reg 1

It is not clear why "premises" are defined twice (firstly here and then again in Reg 3 (3) (a)). A single definition might avoid confusion.

Under 'premises' the reference to the Mineral Workings (Offshore Installations) Act 1971 s.1 is incorrect as this has been repealed.

"Oil rigs" the aim of the regulations is, we understand, to exclude all offshore installations. We would therefore suggest something along the following:

"premises" to include "any installation on land (including the foreshore and other land intermittently covered by water) and any other installation which is not an offshore installation"; and

"offshore installations" (which would replace "oil rigs" in the definitions) as "any structure whether floating in tidal waters or in the sea, or resting on the seabed or the subsoil thereof, other than a structure connected with dry land by a permanent structure providing access at all times and for all purposes".

Schedule 2

Item 5 "Oil rigs" to be replaced by "offshore installations". A specific exemption is still needed as the definition of "vehicle" is wide enough to include mobile offshore installations.

We assume the Bill does not apply to the United Kingdom Continental Shelf but would welcome your confirmation please.

We have no further comments.