

No. S 35

**TOBACCO ORDER, 2005
(S 49/05)**

TOBACCO (PROHIBITION IN CERTAIN PLACES) NOTIFICATION, 2007

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TOBACCO (PROHIBITION IN CERTAIN PLACES) NOTIFICATION, 2007

In exercise of the power conferred by section 14(1) of the Tobacco Order, 2005, the Minister of Health, with the approval of His Majesty the Sultan and Yang Di-Pertuan, hereby makes the following Notification —

Citation and commencement.

1. This Notification may be cited as the Tobacco (Prohibition in Certain Places) Notification, 2007 and shall commence on the same date as the Tobacco Order, 2005.

Interpretation.

2. In this Notification, unless the context otherwise requires —

"eating place" means any place or any part of the place where food, meals or refreshments are served to the public and includes a ballroom of a hotel;

"amusement centre" includes any premises where jackpot machines, pin-ball machines, video game machines or any other similar game machines are provided for entertainment;

"cinema" includes the auditorium of any building used for the exhibition of films;

"educational institution" has the same meaning as in section 2 of the Education Order, 2003 (S 59/03);

"entertainment centre" means any premises or place where public entertainment takes place and public are permitted to enter with or without payment and includes an amusement centre, a cinema and theatre;

"factory" means any premises or such part thereof used solely or principally for the manufacture or production (whether by an assembly line or otherwise) of any article, commodity or product or part thereof and includes any corridor, lobby, stairwell, washroom or other common area in such premises or part thereof to which persons employed therein have access;

"government premises" means any premises owned or occupied by the Government or any statutory body;

"higher educational institution" has the same meaning as in section 2 of the Education Order, 2003 (S 59/03);

"hospital" means any premises used or intended to be used for the reception, lodging, treatment and care of persons who require medical treatment or suffer from any sickness, disease, injury or infirmity;

"medical clinic" means any premises used or intended to be used by a medical practitioner or a dentist, as the case may be, registered under the Medical Practitioners and Dentists Act (Chapter 112) or any other persons —

(a) for the diagnosis or treatment of persons suffering from or believed to be suffering from any disease, injury or disability of mind or body; or

(b) for curing or alleviating any abnormal condition of the human body by the application of any apparatus, equipment, instrument or device requiring the use of electricity, heat or light;

"motor omnibus" has the same meaning as in section 2(1) of the Road Traffic Act (Chapter 68);

"nursing home" means any premises used or intended to be used for the reception of, and the provision of nursing for, persons suffering or convalescing from any sickness, injury or infirmity;

"office premises" means any room or premises or part thereof the sole or principal use of which is for the carrying out of any administrative or clerical or other related work;

"premises" includes a building, tent or other structure, whether permanent or otherwise, and any adjoining land used in connection therewith, and also includes a vehicle;

"private bus" means any bus owned by any person and used exclusively for the conveyance of the employees of the owner of such bus or for the conveyance of persons in connection with his business, any charges made for the conveyance of such persons being such that no profit results therefrom;

"private hire bus" means any bus which does not ply for hire on any road but is hired under a contract, express or implied, for the use of such vehicle as a whole;

"public transport terminal" includes any place for purchasing tickets or for getting on and off any public transport;

"school bus" means any bus used for carrying children to and from schools and hired under a contract, express or implied, at a fixed or agreed rate or sum;

"shop" means any place where consumer product or service is offered or sold to the public;

"shopping complex" means any building wherein a chain of shops is situated where consumer product or consumer service is offered or sold to the public;

"taxicab" has the same meaning as in section 2(1) of the Road Traffic Act (Chapter 68);

"theatre" means the auditorium of any building used for the performance or presentation of any stage play, musical, song or dance show, recital, competition, sporting contest, exhibition, variety act or other entertainment.

Smoking not permitted in certain places.

3. Smoking is not permitted in the buildings or part thereof specified in the First Schedule and in the public service vehicles specified in the Second Schedule.

FIRST SCHEDULE

(paragraph 3)

BUILDINGS

1. Government premises.
2. Office premises, except that the manager of such premises may designate for smoking, any enclosed room therein —
 - (a) which is independently ventilated; and
 - (b) which is not —
 - (i) required to be used by any person employed in such premises for the performance of the duties of his employment; or
 - (ii) a washroom, pantry or other common area to which persons employed in such premises have access.
3. Any area in an educational institution or higher educational institution.
4. Any area in a nursery.

5. Queue of 2 or more persons in a public place.
6. Public museum or public art gallery.
7. Public library including libraries in public museums and public art galleries.
8. Public lift or toilet.
9. Hospitals, medical clinics and nursing homes.
10. Hall, ballroom or function room (including any such premises located in a hotel) during such time when it is used for holding a meeting, conference, seminar, course or any exhibition or for the purpose of serving meals.
11. Any area which is used for any assembly activity in a building other than private or residential building.
12. Public transport terminal.
13. Air-conditioned area in the terminal buildings of the Brunei International Airport, except that the Department of Civil Aviation may designate for smoking, any enclosed room therein —
 - (a) which is independently ventilated; and
 - (b) which is not —
 - (i) required to be used by any person employed in such terminal buildings for the performance of the duties of his employment; or
 - (ii) a washroom, pantry or other common area to which persons employed in such terminal buildings have access.
14. Entertainment centres.
15. Indoor roller skating rinks.
16. Factory.
17. Eating place including any washroom within the boundaries thereof.
18. Shop.
19. Internet café.
20. Shopping complex.

21. Indoor sports arena or sports stadium, bowling alley, billiard saloon, gymnasium and aerobic and fitness centre.
22. Building or public place which is used for religious purposes.
23. Any area in a petrol station.
24. Restaurant, bowling alley, billiard saloon, arcade games room, gymnasium, fitness centre, library, reading room, theatre or cinema, in any private club.
25. Any enclosed premises of a bank to which members of the public have access for the purpose of carrying out banking transactions.
26. Enclosed corridor, lobby, stairwell, washroom or other common area of —
 - (a) any building which wholly or principally consists of office premises; or
 - (b) such part of any building which consists wholly or principally of office premises.
27. Enclosed common area of any private residential premises or building.
28. Lobby of a hotel.

SECOND SCHEDULE

(paragraph 3)

PUBLIC SERVICE VEHICLES

1. Any motor omnibus.
2. Any private bus.
3. Any private hire bus.
4. Any school bus.
5. Any taxicab.

8th. AUGUST, 2007

Made this 13th. day of Rejab, 1428 Hijriah corresponding to the 28th. day of July, 2007.

PEHIN ORANG KAYA INDERA PAHLAWAN
DATO SERI SETIA HAJI AWANG SUYOI BIN HAJI OSMAN
Minister of Health,
Brunei Darussalam.