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LAWS OF THE GAMBIA

SMOKING (PROHIBITION IN PUBLIC  
PLACES) ACT

CHAPTER 40:05

Act No.

[Issue 1/20091

Smoking (Prohibition in Public Places) Act  
3 of 1998

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CAP. 40:05

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SMOKING (PROHIBITION IN PUBLIC PLACES) ACT

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SMOKING (PROHIBITION IN PUBLIC PLACES) ACT\*

An Act to provide for the prohibition of the smoking of tobacco in public places, and for connected matters.

[Act No. 3 of 1998.1

[Date of commencement: 23rd September, 1998.1

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## Smoking (Prohibition in Public Places) Act

### 1. Short title

This Act may be cited as the Smoking (Prohibition in Public Places) Act.

### 2. Interpretation

In this Act, unless the context otherwise requires—

"designated smoking area" means an area, other than an enclosed room, that is designated for smoking under section 4 (2);

"designated smoking room" means an enclosed room that is designated for smoking under section 4 (2);

"Government premises" means any premises owned by the Government of The Gambia to which the public has access;

"hospital" includes a health centre, clinic and any other place where medical treatment is administered;

"Minister" means the Minister responsible for health;

"public place" includes private premises, vehicles, and shops to which the public has access;

"public vehicle" includes a private vehicle that is licenced as a commereial passenger vehicle;

"smoke" means to smoke, hold or control a lighted tobacco;

"tobacco" includes any product manufactured from tobacco and intended for use by smoking or inhalation;

"workplace" means any indoor or other enclosed place in which employees perform the duties of their employment, and includes any adjacent corridor, lobby, stairway, elevator, cafeteria, washroom or other common area frequented by such employees during the course of their employment.

The Act was formerly cited as the Prohibition of Smoking (Public Places) Act.

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3. Prohibition of smoking

Subject to the provisions of this Act, a person shall not smoke tobacco in any public place, workplace, hospital, public vehicle or Government premises.

4. Employers' obligation to prevent smoking at workplace

(1) Subject to subsection (2), an employer, and a person acting on behalf of an employer, shall ensure that persons refrain from smoking tobacco in a workplace under the control of that employer.

(2) An employer may designate for smoking—

- (a) enclosed rooms under the control of the employer other than rooms normally occupied by non-smokers; and
- (b) areas under the control of the employer in an airport passenger terminal, bus station or marine passenger terminal other than areas normally occupied by non-smokers.

(3) An employer shall not designate a room for smoking under subsection (2) unless that room is adequately and independently ventilated.

(4) An employer shall cause notices to be conspicuously displayed in prominent places at the workplace of the employer informing employees and members of the public of the prohibition imposed on smoking tobacco in places other than designated smoking rooms and designated smoking areas.

5. Request to stop smoking

(1) A driver of a public vehicle who becomes aware that a passenger on that vehicle is smoking in contravention of this Act, shall request the passenger to refrain from smoking.

(2) Where a passenger fails to comply with a request made under subsection (1) the driver shall require the passenger to disembark.

(3) Where the passenger is required by the driver to disembark pursuant to subsection (2) and that passenger—

- (a) has paid the fare for the journey, the fare is forfeited;
- (b) has not paid the fare for the journey, that passenger shall pay the fare to the driver.

6. No smoking labels at entrances and public vehicles

A person who is in charge of Government premises or a public vehicle shall cause a sign to be conspicuously displayed in legible characters at the entrance of

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that premises or inside that vehicle to the effect that smoking is not permitted on that premises or in that vehicle.

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7. No smoking campaign

The Minister shall ensure that radio and television programmes are broadcast educating the public on the health hazards associated with smoking.

8. Penalty

A person who contravenes a provision of this Act commits an offence and is liable on conviction to a fine not exceeding five hundred dalasis and not less than two hundred dalasis or to imprisonment for a term of not exceeding three months or to both the fine and imprisonment.

9. Regulations

The Minister may make regulations for the better carrying out of the provisions of this Act.

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SUBSIDIARY LEGISLATION

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No Subsidiary Legislation

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