

10. LEGAL MATTERS

10.1 Charities Act 1993

10.2 Copyright and Music Performances

10.3 Computer Software

10.4 Gambling

10.5 Food Safety and Hygiene – NOTE This Section is now incorporated into “Health & Safety” Section 13

10.6 Alcohol

10.7 Disability Discrimination and Grants – NOTE This Section is incorporated into “Access for All” Section 16

10.8 Data Protection

10.9 Smoke Free Buildings - NOTE see also “Health & Safety” Section 13

10.10 TV Licences

Appendices

10A Copyright Agencies

10B Conduct of Lotteries NOTE. Deleted as superseded by link to website

10C Data Protection

10D Smoke Free Buildings

Amendments

August 2007. 10.6 Alcohol updated legislation. 10.9 Smoke Free Buildings new section.

February 2010. 10.4 Gambling updated legislation. Appendix deleted.

August 2010. 10.10 TV licences. New section

October 2011. 10.2 and Appendix 10A. Copyright licence changes. Agency detail changes

August 2013. Links updated.

10.1 Charities Act 1993

The Charities Act 1993 affects many aspects of the regulation of our Diocese. The Diocese is the charity – The Arundel and Brighton Diocesan Trust – and the parishes are its branches. Parishes themselves have no separate standing as charities. The requirements of the Charities Act with respect to accounts, Gift Aid and property disposals are given in Section 2 "Financial Management and Banking", Section 3 "Parish Accounting Procedures and Audit" Section 4 "Gift Aid" and Section 8 "Property Management". A further requirement is that we must state our charitable status on such documents as:- cheques, advertisements, orders for goods, invoices (if relevant), as well as on letters, compliment slips, parish newsletters, notices for bazaars and fetes, raffle and lottery tickets, etc. The standard phraseology is:

The Arundel and Brighton Diocesan Trust is a Registered Charity No. 252878.

It is a criminal offence not to comply with these regulations.

10.2 Copyright and Music Performances

The Copyright Designs and Patent Act 1988 gives moral, economic and legal protection to the owners of certain kinds of intellectual property such as hymns, poems, graphics and photographs; this allows owners to control the use of their work, and to safeguard their livelihood. Breaches of copyright are a form of theft or vandalism and can result in criminal or civil action. Details of the various licensing agencies are given in Appendix 10A. Copying intellectual property is possible with the permission of the owner who might require the purchase of a licence. The Diocesan Liturgy Commission has issued guidelines for producing orders of service - see link:

<http://www.abdiocese.org.uk/Resources/DABNet/Pastoral%20Team/Liturgy/Definitive%20Version%20of%20Copyright%20Guidelines%20for%20the%20website.pdf>

Fair Dealing – free rights and public domain

The law does allow for a certain amount of reproduction and use of copyright works without any payment made to the owner of the works. Works reproduced for education, research and study, but not copied directly by means of a photocopier, would come under a concession called Fair Dealing. The amount you allowed to copy is determined by the economic impact on the copyright owner.

Copyright lasts for 70 years from the death of the author and from this point it is said to be public domain (PD). Works that have passed into PD are carry no restrictions and as such may be copied or changed without the permission of the copyright owner.

Copying Words and Music of Hymns

In parishes, the words and music to hymns are usually covered by either direct permission from the copyright owner or through one of two licensing agencies – Calamus and Christian Copyright Licensing International (CCLI). The Calamus Licence, administered by Decani Music a Catholic music clearing house, is a predominantly Catholic copyright licence. Whereas the Church Copyright Licence (CCL) administered by CCLI covers a broader spread of Christian with some Catholic publishers. CCLI also provides a Music Reproduction Licence (MRL) for photocopying music from popular hymn publications. Licences can be one-off events or annual cover. The one-off licence would suit a parish that copies hymns only rarely, say at Christmas or Easter. Parishes which do not reproduce, electronically store or print any words or music still in copyright will not require any licence provided they only use purchased hymnals and music scores. For weddings and funerals, the responsibility for obtaining all the correct licences for the order of service booklet rests with the organiser of the booklet. The parish should check this, otherwise the parish could find itself liable.

Live Music Performances

Performing live music outside normal church services will usually require a PRS for Music Church Licence available through CCLI. The parish is responsible for this licence as it covers the premises, not the organisation arranging the event. Performing any live music as part of a church service does not require a licence as the PRS for Music chose not to charge for this activity. Private events, such as wedding receptions, in church halls also do not require a licence for live music performances. Parish social clubs will need to obtain a licence for live music.

Playing Sound Recordings including MP3, CDs, cassettes or records.

The PRS for Music Church Licence protects composers and performers, whilst the Phonographic Performance Ltd (PPL) licence protects record companies and manufacturers. Changes to the law came into effect from January 2011 meaning any church playing a sound recording outside of a normal church service will now require a PPL Church Licence in addition to the PRS licence; both are available through CCLI. This will cover activities such as playing a sound recording in churches or halls for coffee mornings, youth/childrens club etc. Parishes playing sound recordings outside church services need to ensure they have both licences in place from January 2012. Users of the church hall, such as aerobic or dance classes, or for private events like wedding receptions, must provide their own licences for playing recorded music. The parish should inform hirers, otherwise it might find itself liable. Similarly parish social clubs will need to obtain a licence for recorded music.

Video or Sound Recording of Music

Recording music either on video or sound recording requires a licence issued by the Mechanical Copyright Protection Society (MCPS). Parishes holding a current Church Copyright Licence (CCL) from CCLI have the right to record any of their services for non-commercial use as this licence includes an MCPS licence. Alternatively one-off recording licences are available through the MCPS. Additionally, if a sound recording (CD etc) played during the service is being recorded an additional PPL dubbing licence will be required from the PPL. Parishes without a CCL must insist that a valid MCPS licence is held by the person video or audio recording such church services as baptisms, first communion, confirmations, weddings, jubilee Masses, funerals etc. See link:

[http://www.prsformusic.com/users/recordedmedia/dvdsanddigitalmedia/Pages/LimitedManufactureLicence\(LM\).aspx](http://www.prsformusic.com/users/recordedmedia/dvdsanddigitalmedia/Pages/LimitedManufactureLicence(LM).aspx)

Playing Videos or DVDs

Big production films are rented out or sold for 'home' or private use. Churches wishing to show films, either privately owned or rented, can obtain a Church Video Licence (CVL) through CCLI. This licence provides the right to show film scenes for education or arrange film nights for larger groups within the parish. Films should not be advertised outside of the internal parish network and no charges may be made for the performance. Parishes wanting to show films currently on general release at cinemas can obtain one-off licences through Filmbank. Parishes may wish to screen recordings from distributors who are not covered by the Church Video Licence or Filmbank – for example, sacramental programmes, pastoral training, etc. Here the parish must obtain the written permission of the distributor or copyright owner. Screenings of privately produced videos of family or parish events also need the permission of the person who made the recording.

Live TV and Satellite Broadcasts

Neither the CVL or Filmbank provide the right to show films recorded from a TV broadcast. Churches wishing to show live broadcasts such as the Olympics or live remembrance day services will require a TV Licence (see section 10.10 below) and music performance licences from the PRS for Music and the PPL. Some live sports events, FIFA World Cup for example, may require additional direct permission.

Photocopying from books, journals

Photocopying from books, journals and magazines (not including newspapers which are covered through the Newspaper Licensing Association (NLA) Licence) for use in church research or teaching is a right covered through the Copyright Licensing Agency (CLA) Church Licence administered through CCLI. This annual licence allows for photocopying from non music publications.

Public Performances

Public performances of music on parish property other than inside the church may require a Public Entertainment Licence issued by the Local Authority. The Local Authority will set the safety conditions for granting an occasional or annual licence. The Government has stated that these conditions should not be onerous. There is no charge for this licence.

Webstreaming of Church Services over the Internet

Various aspects of church services are covered by copyright and licences may need to be in place. In addition permission should be sought of the ministries and musicians involved. The web streaming of music protected by copyright is administered by PRS for Music/MCPS via the Limited Online Exploitation Licence (LOEL). This licence allows a number of small-scale online services. Tariffs for the LOEL are based on a number of different factors such as numbers of streams/downloads per year. For details on LOEL see www.prsformusic.com.

10.3 Computer Software

The Copyright Design and Patents Act 1988 also applies to computer software. All computer software must be licensed to the user, this includes the operating systems (Microsoft Windows, Apple Macintosh) and applications (word-processing, spreadsheets, databases, accounts packages etc.). The Federation Against Software Theft (FAST) and Business Software Alliance (BSA) can visit premises and demand proof that an organisation holds all the appropriate licences. Usually, if the equipment and software has been bought through reputable channels, then the licences are in place. Parishes are responsible for ensuring that all copies of software on their computers are covered by the appropriate licence. Licences must be kept safely. Contact your supplier for further advice. There are civil and criminal sanctions against copyright thefts.

10.4 Gambling

All gambling is regulated under the Gambling Act 2005 to protect the vulnerable. Under 16's are not permitted to gamble and, if they do, then their tickets must be refunded and no prizes awarded to them. Bingo may only be played in parishes to raise funds for charity including for the parish itself. A parish must tell the players what cause is being fund raised for and give all the money raised at the event (including any entrance fees, sponsorship, fees for traders stalls, and other fees) to the cause, minus reasonable organising costs.

If a parish wishes to run lotteries, raffles, or sweepstakes it must first register with their Local Authority. An annual fee may be payable. Within three months of the end of the lottery the promoter is required to submit a return to the Local Authority. If the turnover is more than £20,000 per draw or £250,000 per year the initial application must be made to the Gambling Commission. It is important to print the parish and Diocese name and charity number on each ticket as well as the legally required information. For further details see: <http://www.gamblingcommission.gov.uk>

There is an exemption from registration for small lotteries that are not conducted for private gain; these might be promoted at fetes, socials or other similar events. All the sales and the draw must take place during the main event, which may last more than a single day. Prizes should not total more than £500 and may be money, goods or services except alcohol to under 18 year olds. 200 Clubs are also exempt from registration provided membership is drawn only from parishioners.

10.6 Alcohol

Alcohol must not be sold to anyone under 18. It is illegal to attempt to circumvent the law by selling tickets which can then be exchanged for alcohol, or by asking for a donation in return for the supply of alcohol.

In November 2005 different more streamlined procedures were established under the Licensing Act 2003 for the sale of alcohol in parishes. Parishes will now apply to their Local Authority for Temporary Event Notices giving at least ten days notification in a prescribed form to the local authority and the police. The form will call for such information as numbers of persons attending, the activity planned, timings of the event, etc. The parish premises can be used up to twelve times a year. See <https://www.gov.uk/temporary-events-notice>

The local authority will acknowledge receipt of the notice. The onus is then on the police to object to the event, which may proceed, unless the police issue an objection notice. Objections could be on the grounds that either the venue or applicant is unsuitable. In the case of an objection, the local authority will convene a hearing unless the premises user or police decide otherwise.

10.8 Data Protection

The Data Protection Act 1998 covers all data held on computers and manually in a retrievable form. The new Act extended coverage under the 1984 Act from electronic media to include paper records as well. The Diocese is registered with the Office of the Information Commissioner and the registration applies to all parishes. Parishes do not need to register separately.

Parishes must follow a number of guidelines to ensure that we are properly covered under the terms of the Act and in our notification to the Officer of the Information Commissioner. These guidelines apply to all people in the Diocese who obtain and hold personal information in the name of the Diocesan trust. The Diocesan trustees are the Data Controller. The trustees have notified the Office of the Information Commissioner of the purposes for which the Diocese and parishes will process personal information. As the Data Controller the trustees are responsible for ensuring that the Data Protection Principles are upheld; these principles state that:

- data must be obtained, processed, held and used fairly and lawfully.
- data can be obtained and processed for specified purposes. It cannot be obtained for one purpose and used for another, nor passed to an outside party.
- data must be adequate, relevant and not excessive for the specified purpose.
- data must be accurate and kept up to date
data must not be kept for longer than is necessary.
- data must be kept in a secure manner and there must be measures in place to guard against unlawful access or destruction of the data.
- data must not be transferred outside the European Economic Area unless the country concerned ensures adequate protection for the rights and freedoms of individuals.
- individuals about whom data is held have a legal right of access to that data.

Personal data is defined as data relating to a living individual who can be identified by the data, or a combination of that piece of data and other data held. Explicit consent is needed to process, or hold, sensitive data. Most data held by a parish will be considered sensitive. Sensitive data is information about an individual's:

- racial or ethnic origin
- political opinions
- religious beliefs
- trade union membership
- physical or mental health
- sexual life
- criminal record
- criminal proceedings

10.8 Data Protection – continued

Personal data must be kept in locked filing cabinets, which should be fireproof, or, if kept on computer, must be protected by passwords. Access to passwords must only be given to authorised personnel. Office doors should be kept locked when not in use. Records must be destroyed by shredding when they are no longer required or necessary for the purpose for which the information was obtained. Regular backup procedures must be in place for information stored on computer, and backup disks must be kept at a separate location and under lock and key.

Gathering New Data

When gathering data from whatever source, it is necessary to know *why* the information is needed. It might be helpful to formalise this decision making process by answering the following questions:

- *what* personal information is required?
- *why* is this information required?
- what do we intend *to do* with the information?
- *how long* will the information be kept?
- *how* will the information be *kept up to date*?

Once the above questions are answered, individuals can then be asked for their personal data. If the data needed is sensitive, written consent from the individual is needed. In order to simplify matters, include a Data Protection statement on all forms or documents soliciting personal information.

An example of a Data Protection statement can be found in the Appendix 10C Form 1. In other instances where sensitive personal data is not required, an individual can signify consent by freely giving the personal details either in conversation or on the telephone. However, it must be clearly explained to them what the information will be used for. When there is doubt about the sensitivity of the information, obtain the information by means of a form with a specified statement of consent, see Appendix 10C Form 2. Parents may give information about their children, or children for whom they have been granted formal parental rights under the relevant legislation, who are under 16 years of age.

As a rule, obtaining data from third parties should be avoided wherever possible, bearing in mind that data must always be processed fairly and lawfully. It is fair to seek a reference from a third party for a job applicant which does not need to be disclosed unless the subject

makes an access request. It would not be fair to hold data on the personal life history of a lapsed parishioner which was obtained from a disgruntled neighbour, without the subject being aware of the information held and the reasons for holding it. S/he would need to give explicit consent.

Personal Data Already Held

The following questions must be answered:

- why was the data gathered?
- is it still necessary to hold this information?
- how old is the data?
- how useful is it now (in view of its age)?

If the information is no longer accurate, reliable or necessary, it should be disposed of as soon as possible. Disposal must occur under secure circumstances, preferably by shredding and/or burning. If this retained data is sensitive, it would be wise to ask for the information again on a form with a consent statement duly signed. The parish should insert an annual statement in its newsletter that it holds information on parishioners. The parishioners should be invited to request its removal if they wish. For example, see parish census consent statement in Appendix 10C plus detailed guidance on parish census, parish registers, external fundraisers, gift aid, data subject access requests and pastoral care.

10.9 Smoke Free Buildings

The Health Act 2006 bans smoking in all public enclosed spaces from 1st July 2007. Churches and parish halls are deemed “public” spaces. In presbyteries, those parts accessible by the public or employees will also be smoke free – interview rooms, meeting rooms, offices, etc. The signs have to be in place for 1st July. At present, it appears that “no smoking” signs will need to be put up at church entrances.

In presbyteries, the smoking ban does not apply to the private quarters for the priest(s) nor to those areas occasionally used by the public such as kitchens etc. This exclusion from smoke free also applies where cleaners, cooks etc work in the private areas.

The Government’s smoke-free pack – “Everything you need to prepare for the new smoke free law” is available on tel: 0800 169 1697 or www.smokefreeengland.co.uk. The guide explains how you manage smoke free areas and the public.

The Churches Main Committee guidance notes for church property and NHS guidance are given in Appendix 10D.

10.9 TV Licences

Presbyteries need to be covered by a valid TV Licence to watch or record television programmes being shown on TV. This includes the use of devices such as a TV, computer, mobile phone, games console, digital box or DVD/VHS recorder.

Parish halls also need a separate licence to cover TV usage in the hall. This would provide cover to any person or group using the TV.

Licences are not required for CCTV monitoring or when only used for playing videos or DVD’s. For more information see:

<http://www.tvlicensing.co.uk/check-if-you-need-one/business-and-organisations/clubs-and-community-groups-aud10/>

COPYRIGHT AGENCIES

1. Calamus
Decani Music
70 High Street
Brandon
Suffolk
IP27 0AU

Tel: 01842 819830
Fax: 01842 819832
Email: sue@decanimusic.co.uk
website: www.decanimusic.co.uk

2. Christian Copyright Licensing International (CCLI)
Chantry House
22 Upperton Road
Eastbourne
East Sussex
BN21 1BF

Tel: 01323 436100
Fax: 01323 436112
Email: info@ccli.co.uk
website: www.ccli.co.uk

3. CCLI acts as administrator for licences issued by: PRS for Music, Phonographic Performance Ltd (PPL), Mechanical Copyright Protection Society Ltd (MCPS), Church Video Licence International (CVLI), Copyright Licensing Agency (CLA)

4. Filmbank
Warner House
98 Theobalds Road
London WC1X 8WB

Tel: 0207 984 5950
Fax: 0207 984 5951
website: www.filmbank.co.uk

DATA PROTECTION

Parish Census

Regularity

Parishes should carry out a census every 5 years to ensure that personal data is relevant, accurate and up to date.

Consent

For information already held, as a minimum a notice should be placed in the parish newsletter, explaining the information held, what it is for, and if anyone wishes their data not to be held, the parish priest should be informed.

For example:

"In the past, the parish has carried out a census, gathering a register of information about our current, past and former parishioners. The information we hold comprises: name, address, family members, religious affiliation, ethnic origin, marital status This information helps the parish in its work in the community, to provide a better service to its parishioners and to realise its objectives. The information is held securely in locked filing cabinets, and where it is held on computer it is password protected. Access to the information will be restricted to the parish priest and lay people authorised by him. It is intended to renew this information every five years, but should you wish to have your data removed from the register, please contact Father....."

New Census Request

Any new census request should have a statement of purpose and disclosure, and a consent signature. For example:

"This information helps the parish in its work in the community, to provide a better service to its parishioners and to realise its objectives. The information will be held securely in locked filing cabinets, and where it is held on computer it will be password protected. Access to the information will be restricted to the parish priest and lay people authorised by him. It is intended to renew this information every five years. Please sign below your consent to the parish processing the information given".

Third Party Information

There is a need to be very circumspect with information which is passed on by third parties. For example, if information is received from Mrs. X about Mr. and Mrs. Y, concerning the reasons why they no longer attend Mass, it would be necessary to write to Mr. and Mrs. Y in the following terms:

" We are currently developing a database of all Roman Catholics in our area. We have been given your names and address by a parishioner who has suggested that you may like to be included in the database. We would use the information to circularise you from time to time about Mass times or events that are happening in the parish, and to keep you informed. The information will be updated every five years. Please sign below and return to us if you are happy to be included".

Parish Registers

These could include details of catechists, children's liturgy organisers, child protection representatives, parish workers, special ministers, readers, etc.

DATA PROTECTION

Parish Registers - continued

When an individual is first entered in the register, they should be asked to complete giving their details on a form designed to collect the requisite information. They are then asked to sign a statement consenting to the holding of the information for the stated purposes.

Where information is already being held, it should first be determined whether it is still necessary and accurate. If so, a statement should be included in the parish newsletter along the following lines:

"To comply with the Data Protection Act 1998, the parish advises you that it maintains a register of Information held includes dates of entry into the register, contact telephone numbers and addresses and This information enables the parish to contact those concerned with relevant course and meeting information, training materials and other details of interest to your particular ministry or to you as an individual. It will be held until your term of office expires. Access to the information is restricted to authorised parish and Diocesan personnel. Files are held in locked cabinets and computer access, where relevant, is password protected"

External Fundraisers

Where a contract has been entered into with an external fundraiser (a data processor) there must exist a written contract with that person/organisation outlining the Diocesan Data Controller's requirements with regard to the processing and keeping of personal information.

For example:

"All personal data obtained in the course of your fundraising activities for the parish must be held in a locked filing cabinet and must be protected by password if held on computer. The information can only be used by authorised members of the fundraising team or authorised personnel in the parish for the purposes of fundraising. The information can only be used to contact individuals seeking their support. Permission must be sought from a donor before any specific mention in a fundraising report. Once the campaign ceases personal data must be destroyed unless permission is sought and granted to hold limited personal data for mailshot purposes".

Gift Aid and Planned Giving

The parish Gift Aid and Planned Giving Organisers will be asked to sign a form of Agreement with the Diocesan trustees. See Form 3. This details the nature of and the purpose for, the information held, and emphasises the confidential nature of the recording system for both schemes.

Planned giving is renewed every four years or so. Both schemes incorporate wording on the Gift Aid Declaration or Planned Giving Commitment card which satisfy the Act's requirements. Gift Aid Declarations do not need to be renewed, so to ensure that personal information concerning Gift Aid donors remains accurate, a brief reminder should be given every three or four years by means of a statement in the parish bulletin:

"If any of your personal details have changed, please inform the Gift Aid Organiser. The parish will otherwise assume that the information it holds is accurate".

DATA PROTECTION

Data Subject Access Requests

If an individual makes an access request, this should be referred to the parish priest and only he should reply to the request. The Vicar General must be informed of the request. There is a recommended standard form of reply on which requests are answered. See Form 4. If the request concerns information held by the Diocese as well as the parish, or information which might be held by a number of parishes, the request should be passed to the Vicar General for action. Requests for information on third parties must not be supplied. Queries on all these points must be referred to the Vicar General. Subject information has to be supplied within forty days.

Pastoral Care

Where priests and/or qualified religious and/or lay people provide counselling within the Diocese under the control of the trustees, they will need the consent of their subjects to obtain and hold personal data wherever possible.

DATA PROTECTION STATEMENT

To be appended to any form or document soliciting personal information.

This information will be used to

and for the purposes of informing you about

It will be updated every and will be held for years, or for as long as is necessary for the purpose.

It will be destroyed when the information is no longer required.

Please sign below as consent to the Diocese holding the information as described.

Signature

Date

DIOCESE OF ARUNDEL AND BRIGHTON
FORM OF CONSENT TO THE SUPPLY OF PERSONAL DATA

PARISH:

Data Controller: **Trustees of the Diocese of Arundel and Brighton**

Address: **Bishop's House, The Upper Drive, Hove, East Sussex BN3 6NB**

Purpose for which Data is to be held and processed: _____

Typical processing activities: _____

Description of Personal Data: _____

Sources of the Data: _____

Transfers outside the EEA: _____

Length of time Data will be held: _____

Physical Security measures to protect the Data: _____

I have read and understood the reasons why it is necessary for you to hold my Personal Data, and I consent to the processing and disclosures in the manner described above.

I do not consent to you holding my Personal Data as described above.

Signed: _____ **Date:** _____

Name: _____
(please print in BLOCK CAPITALS)

**DIOCESE OF ARUNDEL AND BRIGHTON
(Charity No. 252878)**

Data Protection Act 1998 and Parish/School Gift Aid Organisers

**Agreement with the Trustees of the
Roman Catholic Diocese of Arundel & Brighton**

As Data Controller under the Data Protection Act 1998 the Trustees are required to confirm their requirements with you.

As Parish/School Gift Aid Organiser you will obtain and hold personal data.

- Personal data obtained will be sufficient to enable recovery of tax paid from the Inland Revenue on the donations made under Deed of Covenant or Gift Aid by tax paying individuals.
- The information required is set out in the Gift Aid Handbook and may be modified from time to time by the Diocesan Gift Aid Co-Ordinator.
- The information is confidential. It will be held securely and will be disclosed only to the Parish Priest/Chair of Governors, Diocesan Finance Office, Gift Aid Co-Ordinator, Inland Revenue and Auditors.
- Any written requests by data subjects for information processed on them must be submitted immediately to the parish priest/chair of governors for action.

I acknowledge receipt of this agreement and will comply with the confidentiality requirements.

Name of parish/school and town

.....

.....

Gift Aid Code

Parish/School Organiser's Signature

Name in Block Capitals

Please send signed original to Diocesan Gift Aid Office

The Gift Aid Organiser should make a copy for his/her records

DIOCESE OF ARUNDEL AND BRIGHTON

FORM OF REPLY TO REQUEST PARTICULARS FROM DATA SUBJECT

Request Received From: _____

Data Controller: **Trustees of the Diocese of Arundel & Brighton**

Address: **Bishop's House, The Upper Drive, Hove,
East Sussex BN3 6NB**

Description of Personal Data held: _____

Purposes for which Data is held and processed: _____

Typical processing activities have been: _____

Sources of the Data we hold: _____

Disclosures of we have made with the Data: _____

Signed **Date:**
On behalf of the Trustees of the Diocese of Arundel & Brighton

Name of Parish Priest (PRINT)

Name of Parish (PRINT)

CHURCHES MAIN COMMITTEE

Health Act 2006: Smokefree (Signs) Regulations 2007

Circular No. 2007/4

1. The Health Act comes into effect on 1 July 2007. The provisions most likely to affect churches are contained in the Smokefree (Signs) Regulations, which with related guidance may be viewed on www.smokefreeengland.co.uk There is a helpline 0800 169 1697.
2. Places of worship and church halls (but not vicarages, etc, other than rooms used solely for work purposes) rank as smoke-free premises. This means that there must be displayed "at the entrance" a no-smoking sign which is of A5 size; includes the no-smoking symbol, ie a graphic representation of a single burning cigarette enclosed in a red circle of at least 70 millimetres in diameter with a red bar across it; and contains, in characters that can easily be read by persons using the entrance, the words - " No smoking. It is against the law to smoke in these premises (or in this church or cathedral)". The sign can be placed on a moveable stand or notice board rather than fixed to the wall. The Regulations do not apply to the burning of incense.
3. Signs which conform with the Regulations can be ordered without cost through the website. Officials have stressed that, since there will be a review of the requirements after three years, there is no need at this stage to put up anything of a permanent nature. Local authorities who will enforce the legislation will apply a light touch to buildings such as places of worship where there is little likelihood of an offence being committed. A NHS factsheet, containing guidance directed specifically at churches, is being drafted with a view to issue next month (attached).
4. These Regulations apply to England. Similar rules already apply to Scotland, Wales and Northern Ireland.

Church House
Great Smith Street
London SW1P 3AZ

Tel.020-7898-1878/1861

cmc@c-of-e.org.uk
www.cmainc.org.uk

April 2007

Smokefree England

Signage Guidance for Churches, Places of Worship and Church/Parish Halls

From 1 July 2007 virtually all enclosed public places and workplaces in England will become smokefree. The new law is being introduced to protect employees and the public from the harmful effects of secondhand smoke.

So how does this affect churches?

The new smokefree law will apply to virtually all 'enclosed' and 'substantially enclosed' public places and workplaces. This includes both permanent structures and temporary ones such as tents and marquees, and includes churches, places of worship and church/parish halls. The new law also requires certain types of vehicles used for work (including voluntary work) to be smokefree, but not vehicles that are primarily for private use.

From 1 July, those people who control or manage smokefree premises and smokefree vehicles will have legal responsibilities to prevent people from smoking. The new law will require no-smoking signs to be displayed in all smokefree premises and vehicles.

What sort of signs do we need?

No-smoking signs that are required to be displayed must meet the following minimum requirements:

- be a minimum of A5 in area (210mm x 148mm)
- display the international no-smoking symbol at least 70mm in diameter^{*}
- carry the following words in characters that can be easily read:

No smoking. It is against the law to smoke in these premises

Where should the signs be displayed?

The new law says that signs 'need to be displayed in a prominent position at every entrance to smokefree premises'. It does not stipulate the precise location (such as on the door), in order to afford maximum flexibility for signs to be displayed in the most appropriate place in the premises. In churches, doors which are not in use could arguably not be entrances for use by persons.

It will be up to each church body (eg, select vestry/parochial church council) to choose the most appropriate place in the building for the sign, as long as the sign is prominently displayed. It is not necessary for it to be permanently fixed to the fabric of the building. It may be that the sign could be displayed within a porch at the front of the church or on a notice board which is near the main entrance. If you have any questions about the new law (for example, you are unsure about where a sign should be positioned), we recommend you consult your environmental health officer at your local council (who will be responsible for compliance) for further information. Their role will be to help you – it is not the intention of enforcement authorities to approach churches in a punitive way.

^{*} The international no-smoking symbol consists of a graphic representation of a single burning cigarette enclosed in a red circle of at least 70mm in diameter with a red bar across it.

In addition, smaller signs consisting of the international no smoking symbol only (at least 70mm in diameter) must be displayed at external entrances to smokefree premises that are only used by members of staff (eg, vestry) – providing the premises displays at least one A5 area sign.

Do we have to pay for these signs?

No. Free no-smoking signs can be downloaded and printed or for a limited time, ordered from smokefreeengland.co.uk/resources or by calling 0800 169 1697.

Churches can also display personalised signs by changing the words ‘these premises’ to refer to the name or type of premises – such as ‘this church’, ‘this hall’ etc, as long as the sign meets the minimum requirements set out in the new law.

Why is this necessary?

The signs will make it clear which premises and vehicles are smokefree and will demonstrate that the church authorities are taking the necessary steps to meet the requirements of the new law. They also provide some degree of legal protection for the church authorities in the unlikely event of someone being caught smoking on church premises.

What is the requirement for vehicles?

The new law will require vehicles (including those used by churches) to be smokefree at all times if they are used either to transport members of the public, or in the course of paid or voluntary work by more than one person – regardless of whether the persons are in the vehicle at the same time or at different times. Vehicles that are used primarily for private purposes will not be required to be smokefree.

Smokefree vehicles will need to display a no-smoking sign consisting of the international no-smoking symbol* in each compartment of the vehicle in which people can be carried.

Where can I find further information on Smokefree legislation?

Log onto smokefreeengland.co.uk or phone the Smokefree England Information Line on 0800 169 1697 for the full guidance and to order or download free signs.

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