

# Memo

**Aan:** Departementshoofde  
**Van :** Munisipale Bestuurder  
**Datum:** 15 Augustus 2001  
**Insake:** **ROOKBEHEERBELEID VIR DIE SENTRAAL KAROO DISTRIKS-  
MUNISIPALITEIT**

---

Hierby aangeheg 'n Rookbeheerbeleid van die Raad van toepassing op alle persele en voertuie van die Raad met ingang 1 Julie 2001.

Dit dien vermeld te word dat geen rookgebied tot op hede deur die Raad geïdentifiseer is nie en rook dus nie in enige kantoor of vertrek van die Raad toegelaat word nie.

By voorbaat dank.

Die uwe

**D D LOTT**

GvZ6/es

# Memo

**Aan :** Die Wnde. Munisipale Bestuurder, Departementshoofde en DMA Bestuurder.  
**Van :** Bestuurder : Omgewingsgesondheidsdienste.  
**Datum :** 3 November 2009.  
**Verw :** 18/4/5/1/13.  
**Insake :** **ROOKBEHEER IN DIE WERKPLEK.**

---

Artikel 24 van die Grondwet bepaal dat elke inwoner die reg tot 'n gesonde omgewing het en, in ooreenstemming met die Wet op Beroepsgesondheid en Veiligheid asook die Wysigingswet op die Beheer van Tabakprodukte en relevante regulasies, het alle werkgewers, eienaars, huurders of enige persoon in beheer van 'n openbare plek 'n morele en statutêre verpligting om 'n gesonde en veilige omgewing te skep vir diegene wat daarin werk of van so 'n perseel gebruik maak.

Die Afdeling : Omgewingsgesondheid van die Raad is verantwoordelik vir die uitvoering van sekere aspekte van die wetgewing en regulasies betreffende Rookbeheer en gaan daar onder andere kennisgewings aan perseel-eienaars, -bestuurders en -huurders gestuur word waarin hul in kennis gestel sal word wat van hul vereis word alvorens verdere aksies onderneem sal word.

Die Raad moet hul daartoe verbind om voorsiening te maak vir die beskerming van sy werkers en lede van die publiek teen rookverwante siektes en is die doel van hierdie skrywe om u kortliks aan die gestelde vereistes te herinner en daar verseker kan word dit in plek is.

Die Wet op die Beheer van Tabakprodukte, Wet 83 van 1993, met wysigings, bepaal onder andere as volg:

## **Artikel 2 (1) (a) (i)**

Geen persoon mag tabakprodukte in 'n publieke plek rook nie. ('n Publieke plek beteken enige binnemuurse of gedeeltelike binnemuurse area ( *stoep, balkonne, afdakke ens. maak dus deel van die definisie*) wat oop is vir die publiek en sluit dit 'n werksplek en publieke vervoer in.

'n Werksplek word gedefinieer as 'n binnemuurse of gedeeltelike binnemuurse area waarin werknemers hul werk doen en sluit dit gange, portale, trappe, ens. in asook enige ander area wat gereeld deur werknemers besoek word terwyl hul in diens is. Privaat wonings en rookkamers is hiervan uitgesluit.

## **Artikel 2(2)**

Die eienaar of die persoon in beheer van bogenoemde plek of area, of van 'n werksplek, sal verseker dat geen persoon daar rook nie.

#### **Artikel 2(4)**

Die eienaar of die persoon in beheer sal die voorgeskrewe borde vertoon en publieke aankondigings maak om persone in te lig wat dié area binnegaan, of in dié area is, dat dit verbode is om daar te rook.

#### **Artikel 2(5)**

Die werkgewer moet verseker dat:-

- Werknemers, sonder enige vergelding, beswaar kan maak teen rook in die werksplek.
- Werknemers wat nie aan rook blootgestel wil word nie, wel nie blootgestel sal word nie.

#### **Artikel 7**

Bepaal dat die volgende boetes van toepassing is ten opsigte van bogemelde artikels:

- Artikel 2(1) : Indien skuldig bevind, 'n boete van nie meer as R500.00.
- Artikel 2(2), (4) : Indien skuldig bevind, 'n boete van nie meer as R50 000.00.
- Artikel 2(5) : Indien skuldig bevind, 'n boete van nie meer as R100 000.00.

U word hiermee vriendelik, dog dringend versoek om te verseker dat bogemelde wetgewing nie oortree word in die werksplek onder u beheer nie.

Hierby ingesluit 'n opsomming van die vereistes, boetes en verantwoordelike instansies vir die toepassing van die tabakwetgewing, wat eersdaags aan alle plaaslike owerhede en openbare instellings verskaf sal word.

Die uwe



.....  
**G. E. VAN ZYL.**



# **CENTRAL SENTRAL KAROO**

**DISTRIKSMUNISIPALITEIT / DISTRICT MUNICIPALITY  
UMASIPALA WESITHILI SASE**

63 Donkin Street  
Donkinstraat 63  
Private Bag X560  
Privaatsak X560  
Ingxowa X560  
BEAUFORT WES(T)/ BHOBHOFOLO  
6970

iFaksi / Fax / Faks: 023 - 415 1253  
iFowuni / Tel: 023 - 449 1000  
E-mail: [manager@skdm.co.za](mailto:manager@skdm.co.za)

**SECTION : ENVIRONMENTAL HEALTH SERVICES**

**OCTOBER 2009**

# **SUMMARY : REQUIREMENTS OF NEW TOBACCO LEGISLATION**

CONTRAVENTION	LEGISLATION CONTRAVENED	FINES	RESPONSIBLE DEPARTMENT
<p>No person may smoke any tobacco product in any indoor, enclosed or partially enclosed areas such as covered patios, verandas, balconies, walkways parking areas, etc. which is open to the public, and includes a workplace and a public conveyance:</p>	<p>Act 23 of 2007, Section 2 (1) (a)</p>	<p>Owner of a restaurant, pub, bar and employer in respect of a workplace : Maximum of R50 000 Individual smoker R500</p>	<p>Environmental Health : CKDM</p>
<p>The owner of or person in control of a public place or employer in respect of a workplace, shall display the prescribed signs and shall make the prescribed public announcements in order to inform any person who enters or who is in or on such place or area of any prohibition on smoking.</p>	<p>Act 23 of 2007, Section 2 (4)</p>	<p>Owner of a restaurant, pub, bar and employer in respect of a workplace : Maximum of R50 000</p>	<p>Dept of Labour</p>
<p>No person may smoke in any motor vehicle car when a child under the age of 12 years is present in that vehicle.</p>	<p>Act 23 of 2007, Section 2 (1) (a)</p>	<p>Maximum of R500</p>	<p>SAPS Law Enforcement</p>
<p>No person may smoke any tobacco product in a private dwelling if that private dwelling is used for any commercial childcare activity, or for schooling or tutoring.</p>	<p>Act 23 of 2007, Section 2 (1) (c)</p>	<p>Maximum of R500</p>	<p>Environmental Health : CKDM</p>
<p>The owner of or person in control of a public place, a motor vehicle or an outdoor public place prohibited for smoking by the Minister of Health, or an employer in respect of a workplace, shall ensure that no person smokes in that place or area.</p>	<p>Act 23 of 2007, Section 2 (2)</p>	<p>Owner of a restaurant, pub, bar and workplace : Maximum of R50 000</p>	<p>Environmental Health : CKDM SAPS Law Enforcement Dept of Labour</p>

<p>The Minister may prohibit the smoking of any tobacco product in any prescribed outdoor public place, or such portion of an outdoor public place as may be prescribed, where persons are likely to congregate within close proximity of one another or where smoking may pose a fire or other hazard.</p>	<p>Act 23 of 2007, Section 2 (3)</p>	
<p>An employer must ensure that-</p> <p>(a) employees may object to smoking in the workplace in contravention of this Act without retaliation of any kind;</p> <p>(b) employees who do not want to be exposed to tobacco smoke in the workplace are not so exposed;</p> <p>(c) it is not a condition of employment, expressly or implied, that any employee is required to work in any portion of the workplace where smoking is permitted; and</p> <p>(d) employees are not required to sign any indemnity for working in any portion of the workplace where smoking is permitted.</p>	<p>Act 23 of 2007, Section 2 (5)</p>	<p>Fine not exceeding R100 000</p> <p>Dept of Labour</p>
<p>The owner of or person in control of a public place or an outdoor public place prohibited for smoking by the Minister of Health, or an employer in respect of a workplace shall ensure that no person under the age of 18 years is present in any portion of the workplace where smoking is permitted or in the area within a public place in or on which</p>	<p>Act 23 of 2007, Section 2 (6)</p>	<p>Environmental Health : CKDM SAPS Law Enforcement</p>

smoking is permitted.				
No person shall manufacture a tobacco product unless it complies with such standards as may be prescribed.	Act 23 of 2007, Section 3A (1)	Maximum of R1 000 000	National Health SAPS	
Every manufacturer of a tobacco product shall provide such information about the product and its emissions to the Minister and the public as may be prescribed, in the prescribed manner and within the prescribed time.	Act 23 of 2007, Section 3 (2)		National Health SAPS	
No person shall export a tobacco product from the Republic unless the tobacco product meets the product and testing standards of the country of final destination. If no such standards exist in the country of final destination, the provisions of this section apply.	Act 23 of 2007, Section 3 (a), (b)		National Health SAPS	
No person shall advertise or promote, or cause any other person to advertise or promote, a tobacco product through any direct or indirect means, including through sponsorship of any organisation, event, service, physical establishment, programme, project, bursary, scholarship or any other method. The tobacco industry can no longer hold 'parties' or use 'viral' marketing to target young people.	Act 63 of 2008, Section 3 (1) (a)	Fine not exceeding R1 000 000	National Health SAPS Law Enforcement	

<p>A commercial communication between a tobacco manufacturer or importer and its trade partners, business partners, employees and share holders, must contain no other information except for factual information about the tobacco product, its characteristics, its availability or price, pictures of the tobacco products, the component parts and their packaging.</p>	<p>Act 63 of 2008, Section 3 (1) (b)</p>	<p>National Health</p>
<p>No manufacturer, importer, distributor or retailer of tobacco products shall -</p> <p>(a) organise or promote any organised activity that is to take place in whole or in part in the Republic;</p> <p>(b) make any financial contribution to any organised activity that is to take place, or is taking place, or has taken place in whole or in part in the Republic;</p> <p>(c) make any financial contribution to any person in respect of-</p> <p>(i) the organisation or promotion of any organised activity in the Republic by that person;</p> <p>(ii) the participation, by that person, in any organised activity that is to take place, or is taking place in whole or in part, in the Republic.</p>	<p>Act 63 of 2008, Section 3 (2) (a)</p> <p>Fine not exceeding R1 000 000</p>	<p>National Health SAPS</p>
<p>A manufacturer or importer of a tobacco product may make a charitable financial contribution or sponsorship, provided that such contribution or sponsorship is</p>	<p>Act 63 of 2008, Section 3 (3)</p> <p>Fine not exceeding R1 000 000</p>	<p>National Health</p>



not for the purpose of advertisement.				
No person shall package or label a tobacco product in any way that is false, misleading, deceptive or likely to create any erroneous, deceptive or misleading impression about its characteristics, properties, health effects, toxicity, composition, merit, safety, hazards or emissions, including any term, descriptor, trade mark, figurative or other sign that directly or indirectly creates the impression that a particular tobacco product is less harmful than another tobacco product.	Act 63 of 2008, Section 3 (6)	Fine not exceeding R1 000 000	National Health SAPS	
No person shall manufacture for sale in the Republic, import for subsequent sale or sell a tobacco product -  (a) unless the tobacco product is packaged in the prescribed manner; and  (b) in a package or containing a label that contains false or misleading information or that is calculated to deceive the user of such product..	Act 63 of 2008, Section 3 (7)	Fine not exceeding R1 000 000	National Health SAPS	
A wholesaler shall display a tobacco product at his or her place of business in the prescribed manner.	Act 63 of 2008, Section 3 (8)	Fine not exceeding R100 000	SAPS Law Enforcement	
A retailer shall display -  (a) a notice in the prescribed manner in his or her place of business that contains the prescribed information regarding any tobacco product available at his or her place of	Act 63 of 2008, Section 3 (9)	Fine not exceeding R100 000	SAPS Law Enforcement	

business; and  (b) a tobacco product at his or her place of business in the prescribed manner and in such a way that no person shall be able to handle the tobacco product before paying for it.				
No person shall sell or offer to sell tobacco products at retail, unless the prescribed notices are displayed.	Act 63 of 2008, Section 3(10)	Fine not exceeding R100 000	SAPS Law Enforcement	
No person shall manufacture or import a tobacco product unless it complies with such standards as may be prescribed.	Act 63 of 2008, Section 3A (1)		SAPS	
Every manufacturer and importer of a tobacco product shall provide such information about the product and its emissions to the Minister and the public as may be prescribed, in the prescribed manner and within the prescribed time."	Act 63 of 2008, Section 3A (2)		National Health SAPS	
No person shall sell or supply any tobacco product to any person under the age of 18 years.	Act 63 of 2008, Section 4 (1)	Fine not exceeding R100 000	SAPS Law Enforcement	
The owner or person in charge of any business shall ensure that no person under the age of 18 years in his or her employ or under his or her control, as the case may be, shall sell or offer to sell any tobacco product on the business premises.	Act 63 of 2008, Section 4 (2)	Fine not exceeding R100 000	SAPS Law Enforcement	
No person may sell or supply any	Act 63 of 2008, Section 4 (3)	Fine not exceeding R100 000	SAPS	

confectionary or toy that resembles or is intended to represent any tobacco product.			Law Enforcement
No person shall sell or offer to sell tobacco products in - (a) any health establishment contemplated in section 1 of the National Health Act, 2003 (Act No. 61 of 2003), including any pharmacy; and (b) any place where a person under the age of 18 years receives education or training.	Act 63 of 2008, Section 4 (4)	Fine not exceeding R100 000	SAPS Law Enforcement
No person shall sell, offer to sell, supply, distribute or buy any tobacco product through the postal services, the internet or any other electronic media.	Act 63 of 2008, Section 4 (5) (a)	Fine not exceeding R100 000	SAPS Law Enforcement
No manufacturer, distributor, importer or retailer of a tobacco product, or any person or agent acting on behalf of a manufacturer, distributor, importer or retailer, shall for free, or at a reduced price, other than a normal trade discount- (a) distribute any tobacco product; or (b) supply any tobacco product to any person for subsequent distribution.	Act 63 of 2008, Section 4A (1)	Fine not exceeding R1 000 000	SAPS Law Enforcement
No person shall offer any gift, cash rebate or right to participate in or attend any contest, lottery or game, or any sporting, cultural, social or recreational event, to any person in consideration of	Act 63 of 2008, Section 4A (2)	Fine not exceeding R1 000 000	SAPS Law Enforcement

the purchase of a tobacco product, or the furnishing of evidence of such a purchase, or the confirmation of use of a tobacco product. "				
No person shall place a vending machine containing tobacco products in any indoor or outdoor location, other than in the specified public place which has been declared by the Minister under section 2(1)(b).	Act 63 of 2008, Section 5 (1)	Fine not exceeding R100 000	SAPS Law Enforcement	
A person who offers a tobacco product for sale by way of a vending machine shall- (a) not use such vending machine for the sale of anything other than a tobacco product; and (b) display a notice in the prescribed manner on the vending machine that contains the prescribed information regarding any tobacco product available for sale in that vending machine.	Act 63 of 2008, Section 5 (1A)	Fine not exceeding R100 000	SAPS Law Enforcement	
It shall be the responsibility of any person during such time as he or she is responsible for or has control of the premises in which any vending machine is kept to ensure that no person under the age of 18 years makes use of any such machine.	Act 63 of 2008, Section 5 (2)	Fine not exceeding R100 000	SAPS Law Enforcement	

GEVZ.