

Mberengwa (Prohibition of Smoking in Community halls) By-Laws, 2023

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*Title*

1. These by-laws may be cited as the Mberengwa (Prohibition of Smoking in Community halls) By-laws, 2023.

*Application*

2. (1) These by-laws shall apply within the Mberengwa Rural District Council area and any local government area the administration, control and management of which is vested in Mberengwa Rural District Council.

(2) these by laws shall not apply to the auditorium of :-

- a) any open community hall
- b) any community hall when being used for the presentation of a program of entertainment to which the public is not admitted.

*Interpretation of Terms*

3. In these by laws-

“audience” includes an assembly of listeners or spectators.

“auditorium” means that part of a community hall occupied by the audience during the presentation of a program of entertainment.

“smoke” includes being in possession of a lighted pipe, cigar, cheroot, shisha-pot, bong, cigarette or other electric smoking devices.

*Prohibition of Smoking*

4. No person shall smoke in an auditorium while-

- a) there is an audience in such auditorium or
- b) persons who will form an audience are being admitted to such auditorium; or

- c) Persons who formed an audience are leaving such auditorium after the end of the program of entertainment presented or
- d) There is an interval during the course of a program of entertainment presented to an audience in such auditorium

*Duties of manager or person in control of community hall*

5 (1) the manager or person in control of a community hall shall ensure that there are displayed and maintained, during the periods referred to in section 4-

- a) In prominent positions in the auditorium, at least four illuminated signs bearing in block capital letters not less than one hundred millimeters in height, the words “NO SMOKING”
- b) In a prominent position at every entrance to the community hall a notice, in block capital letters not less than one hundred millimeters in height, reading , “MEMBERS OF THE PUBLIC ARE REMINDED THAT IT IS AN OFFENCE TO SMOKE IN THE AUDITORIUM.”

(2) neither the manager nor the person in control of a community hall shall permit or allow any person to smoke in the auditorium in contravention of section 4

(3) the manager or person in control of a community hall or any police officer may request any person who contravenes the provision of section 4 to leave the auditorium.

*Remaining in and re-entering auditorium prohibited*

6. No person who contravenes the provisions of section 4 shall-

- a) remain in the auditorium of a community hall after being requested to leave in pursuance of the provisions of subsection (3) or section 5; or
- b) at the presentation of the same program of entertainment, re-enter or attempt to re-enter the auditorium during the periods referred to in section 4 without the permission of the manager or person in control of the community hall.

*Penal provision.*

7. Any person who contravenes section 4 above shall be liable to a fine not exceeding level two (2) or imprisonment or to both such fine and imprisonment.