

Statutory Instrument of 2019

[CAP.29:15

Harare (Prohibition of Smoking in Theatres and Cinemas) By-Laws, 2019

IT is hereby notified that the Minister of Local Government Public Works and National Housing has in terms of section 229 of the Urban Councils Act [*Chapter 29:15*], approved the following by laws—

Title

1. These by-laws may be cited as the Harare (Prohibition of Smoking in Theatres and Cinemas) By-laws, 2019.

Application

2. (1) These by-laws shall apply to the council area of the City of Harare.
(2) these by laws shall not apply to the auditorium of :-
 - a) any open theatre or cinema; or
 - b) any theatre or cinema 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 theatre or cinema 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 theatre or cinema

5 (1) the manager or person in control of a theatre or cinema 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 theatre or cinema 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 theatre or cinema 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 theatre or cinema 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 theatre or cinema 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 theatre or cinema.

Penal provision.

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