

# Shisha compliance guide

Trading Standards information

[www.southwark.gov.uk](http://www.southwark.gov.uk)

## 1. Introduction

If you are the owner of a café, bar or restaurant which sells or supplies Shisha there are certain legal requirements you must comply with. This table sets out brief guidance on the main requirements.

## 2. Taxation / duty

Shisha, including herbal shisha, is liable for [excise duty](#). If you are buying your Shisha for anything less than the figures below it's likely the duty has not been paid and it will be an offence to supply it.

50g pack = £7.21	100g pack = £14.42	150g pack = £21.63
250g pack = £36.04	500g pack = £72.09	1kg pack = £144.17

It is your responsibility to prove that excise duty has been paid, if you can't it can be seized.

## 3. Health warnings and labelling

Shisha tobacco products must show a combined English health warning with text and graphic health warnings surrounded by a black border. The combined health warning must cover 65% of the surface area of the front and back of the product. It must also be accompanied by a general warning and information message with the phrase "**Get help to stop smoking at [Link to NHS smoking cessation website](#)**" followed by one of 14 prescribed warning statements such as "**Smoking causes heart attacks**".

For herbal shisha products (i.e. products without any tobacco that are consumed via a burning process) a modified health warning must be present covering 30% of the front and back surface area stating "**Smoking this product damages your health**". Other labelling restrictions also apply such as ban on claims about organic or natural properties or having other health or lifestyle benefits. References to nicotine tar or carbon monoxide content are also banned.

All packets must also carry a code marking to identify the place and date of its manufacture.

If you are selling any 'loose' Shisha – e.g. in a small packet or in a bowl – our advice is you still need to comply. This could be overcome by giving the warnings and printing the pictures on the shisha menu and displaying them when the customer makes their order and labelling the shisha pipes.

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#### **4. Age restricted sales and signage**

It is an offence to sell Shisha containing tobacco or nicotine inhaling products to anyone under the age of 18. If you think someone is underage you need to ask them for proof of age. An A3 sign saying **“It is illegal to sell tobacco products to anyone under the age of 18”** must be displayed. The letters must be at least 36mm in height. Free notices are available from trading standards.

You must also display a statutory no-smoking sign in a visible position at each entrance to the premises.

#### **5. Tobacco advertising**

Advertising any tobacco product is limited to single A5 sign at the point of sale. The sign must include the warning **‘Smoking kills’** or **‘Smoking seriously harms you and others around you’**.

Posters in windows, banners on the side of premises or any other sign which carries a shisha brand or logo are all prohibited.

#### **6. Health Act 2006 - the Smokefree Law**

Smoking is banned in virtually all enclosed public places and work places. This includes the smoking of shisha through a water pipe. Water pipes can only be smoked outside in the open air, or where a smoking shelter is at least 50% open – all of the time.

#### **7. Smoking Shelters**

If you build a smoking shelter it must be at least 50% open - all of the time. Doors, windows and tent/marquee side-panels will be classed as part of the wall if they can be shut or rolled up. If rugs, carpets or sheeting are used to cover up the spaces so that it is no longer at least 50% open, you will be in breach of the Health Act 2006 and could be fined. For guidance contact our [Health & Safety Team](#)

#### **8. Planning permission & building control**

If you thinking about changing the use of a building; making physical changes to the building or erecting a smoking shelter you are likely to need [planning permission](#). If you are erecting any new structure or changing existing buildings then you may also need to obtain [Building regulations approval](#).

#### **9. Fire safety**

The owner of the business must undertake a [written fire risk assessment](#). There must be means of tackling a fire. For example, fire extinguishers and persons trained to use them. There must be clear escape routes and adequate means of raising the alarm if fire occurs. All furnishings and drapes need to meet the required standards so as not to ignite easily. Failure to comply may lead to an enforcement notice being issued.

#### **10. What are the penalties if the law is broken?**

On conviction for an offence a fine may be imposed. In some cases imprisonment can also be imposed. The maximum penalty varies depending on the offence committed.

#### **11. Further information**

If you require further assistance on these requirements, or would like additional information on the restrictions, please contact us at the address given or visit the [business companion website](#).