



BRITISH ACADEMY
OF FILM AND TELEVISION ARTS
Cymru

20th December 2012

Committee Clerk,
Smoke Free Premises (Amendment) Regulations Sub-Committee,
Committee Service,
National Assembly for Wales,
Cardiff Bay
CF99 1NA

Dear Sir,

The Smoke Free Premises etc (Wales) (Amendment) Regulations 2012

I write in my capacity as Chair of the British Academy of Film and Television Arts in Wales, being an independent charity with a mission to "support, develop and promote the art forms of the moving image, by identifying and rewarding excellence, inspiring practitioners and benefiting the public".

As the leading charity in the UK supporting the art forms of the moving image, BAFTA ensures that the very best creative work can be accessed and appreciated by the public. It is therefore of vital importance to us that our industry in Wales is not put at a disadvantage when seeking to attract or retain drama productions of calibre for television or theatric release.

Earlier this year I wrote to the First Minister to outline our position stating that the portrayal of gratuitous smoking in television or film is not encouraged, however, the economic and artistic arguments in favour of an exemption as set out in the Explanatory Memorandum prepared by the Health Improvement Division are persuasive subject to the satisfaction of the following conditions which we in the Academy would endorse:

- 1) The performance is given in connection with the making of a film or television programme;
- 2) The artistic integrity of the performance makes it appropriate for the performer to smoke;
- 3) There are no members of the public viewing the making of the television programme or film; and,
- 4) No children are present in the part of the premises that is not smoke-free and in which the performer will be smoking.

There are countless drama productions from period through to contemporary where the portrayal of smoking is integral to the plot and storyline and indeed is an essential requirement for biopics where historical portrayal has to be accurate. An illustrative example would be the 2010 feature film adaptation of Howard Mark's autobiography *Mr Nice* which was collaboration between a number of small studios supported by the Wales Creative IP Fund. It is our understanding that this production faced considerable difficulties as a consequence of the 2007 legislation.

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Through our members we are also aware of other biopic productions in development including a production intended to celebrate the centenary of the birth of Dylan Thomas. Under current legislation it would not be possible to shoot certain sequences of Dylan Thomas in character in locations in Laugharne or in Swansea and the production would have to consider how best to replicate these iconic locations in England and no doubt at significant additional cost !

BAFTA in Wales supports a sensible and appropriate outcome to this consultation which we hope will ensure the required freedom for the purposes of artistic portrayal.

I am also willing to provide evidence in person.

Yours faithfully,

Dewi Vaughan Owen
Chair of BAFTA in Wales