

Smoking Legislation

Since 1 July 2007 smoking has been banned from all workplaces in the UK, including company vehicles. This fact sheet will explain what that means to you as a vehicle operator and what you have to do.

Who is affected by the rules?

It is an offence to smoke in enclosed public premises and also illegal to smoke in most company vehicles, including cars, vans and goods vehicles. In addition to the ban, there is a legal requirement to display no smoking signs in most company vehicles.

As an employer, manager or someone in charge of a vehicle it is your responsibility to take reasonable steps to ensure that your staff and passengers are aware that vehicles are legally required to be smoke-free, and to ensure that no one smokes in them. You may also wish to provide your staff with training to help them understand the legislation and what their responsibilities are.

What the law says

Company vehicles are workplaces in the same way that offices, shops, factories and public buildings are, and are therefore classed as 'no smoking premises'. It is a punishable offence to:

- smoke in a vehicle classed as no smoking premises
- permit someone else to smoke in that vehicle
- fail to display appropriate warning notices in vehicles covered by the ban

Penalties

Non-compliance of the act is deemed a criminal offence and individuals could be fined £50 for smoking in a smoke-free vehicle. Managers in charge of smoke-free vehicles could face a fixed penalty of £200 or a court fine of up to £1,000 for either allowing smoking or failing to display proper warning notices. Business managers who refuse to pay fixed penalties may be fined up to £2,500.

Affected vehicles

Under the smoking legislation, company vehicles are treated as workplaces if they are used by more than one employee. In short, company cars and private cars used for business trips are exempt, but smoking is not permitted in any other type of vehicle. The rules are:

- employees who have a company vehicle for their sole use may not smoke while carrying colleagues for work purposes (however, carrying colleagues to and from work is classed as private use and smoking is allowed)
- drivers are not allowed to smoke in a company vehicle if more than one employee uses it
- employees sharing company vehicles are not permitted to smoke in them even if all the users are heavy smokers

Vehicle signage

All smoke-free vehicles will need to display warning notices in each compartment of the vehicle in which people can be carried. This must show the international no smoking symbol at least 70mm in diameter.

You can obtain free signs that meet the Act's requirements from The Department of Health. Visit www.smokingbanwales.co.uk for details.

Hitachi Capital will include suitable No Smoking signs in the vehicle packs for all new vehicles.

No Smoking policies

Policy templates and advice on how to deal with smoking in a smoke-free place are available from www.smokingbanwales.co.uk

Hitachi Capital's position on smoking legislation

Hitachi Capital works hard to ensure that all of our customers comply with the smoking legislation. New vehicles are fitted with the appropriate signage before they are delivered to customers

Further reading

For more information, including sample No Smoking policies, case studies, updates on legislation and access to a range of support resources,

www.clearingtheairscotland.com
www.smokingbanwales.co.uk

For advice on giving up smoking visit smokefree.nhs.uk