

Penalties

Smoking

Failure to comply with the act is a criminal offence. Smoking in a smoke-free vehicle may result in £50 fine for the individual concerned.

Non-display of sign

For managers in control of any no smoking vehicles, failure to prominently display a "no smoking" sign in a smoke-free vehicle will result in a £200 fine, which can escalate up to £1000.

Prevention

Managers who knowingly fail to prevent smoking in a smoke-free vehicle will face a £2500 fine. Local authorities will enforce the law.



Recommendations

We recommend that the best way for companies to be compliant with the legislation is to ban smoking totally from all their company vehicles, whether for sole use of one driver or shared. Companies should communicate their smoking policy and this legislation to their employees.



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Hints and Tips On Smoking Legislation

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Smoking legislation in the UK impacts on vehicles driven for business purposes

The UK Health Act 2006 (the Act) on smoke-free vehicles has been law in Scotland since 2006, and becomes effective in the rest of the UK in 2007.

KEY FACTS



Smoking will be banned in public premises, including workplaces and company vehicles, which include cars, vans and goods vehicles used by more than one person. The smoking ban in vehicles will extend to both drivers and passengers.

Private cars will be exempt. This information is subject to change and provided for guidance only.

The Government's objectives with the smoke-free legislation:

- Reduce the risks to health from exposure to second-hand smoke
- Recognise an individual's right to be protected from harm and to enjoy smoke-free air
- Increase the benefits of smoke-free enclosed public places and workplaces for people trying to give up smoking, so that they can succeed in an environment where social pressures to smoke are reduced
- Save lives by reducing both the exposure to hazardous second-hand smoke and overall smoking rates.



IMPLEMENTATION DATES

- Scotland – a ban on smoking in vehicles used by more than one person was introduced in 2006
- Wales – from 2 April 2007 smoking banned in vehicles used by more than one person
- Northern Ireland – from 30 April 2007 smoking banned in vehicles used by more than one person
- England – from 1 July 2007 smoking banned in vehicles used by more than one person.

THE LAW

Motor Vehicles

Any motor vehicle used in the course of paid or voluntary work by more than one person (even if those persons use the vehicle at different times, or only intermittently) needs to be smoke free and display a no smoking sign.

The following rules apply:

1. Employees who have a company vehicle for their sole use may not smoke while carrying colleagues for work purposes
2. Employees who have a company vehicle for their sole use may smoke while carrying colleagues to and from a place of work, as these journeys are counted as private use
3. Drivers will not be allowed to smoke in a company vehicle if it is used by more than one employee, for example, pool cars, as colleagues driving or being a passenger in that vehicle might later inhale their smoke

4. Employees sharing a pool car will not be allowed to smoke in the vehicle, even if all the users of the vehicle are smokers
5. A shared company vehicle is exempt from the smoking ban if it is a convertible, but only when the roof is down.

SIGNAGE

Signs in vehicles should display the international no smoking symbol, and the red circle of the sign must be at least 75mm in diameter. The sign must be prominently displayed in each compartment of the vehicle.

A compartment is defined as each part of a vehicle which:

- is constructed or adapted to accommodate persons' and
- is, or may from time to time be, wholly or partly covered by a roof.

The responsibility for ensuring a vehicle is smoke-free rests with the driver **and** any person with management responsibilities for the vehicles.

Drivers should ensure they display the sign correctly.

