

Fact Sheet

Smoking Legislation

The Law.....

...requires that vehicles should be smoke free at all times if they are used to transport members of the public or are used in the course of paid or voluntary work by more than one person – regardless of whether they are in the vehicle at the same time. The vehicles must also display no smoking signs.



The new regulations prohibit smoking in all enclosed public spaces. Company vehicles are to be treated as 'work places' if they are used by more than one employee. The following rules apply:

- Employees who have a company vehicle for their sole use may not smoke while carrying colleagues for work purposes
- 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
- Drivers are not allowed to smoke in a company vehicle if it is used by more than one employee, for example pool cars, as there is a risk that other colleagues might later inhale their smoke
- Employees sharing a pool car are not allowed to smoke in the vehicle, even if all the users of the vehicle are heavy smokers
- A shared company vehicle is exempt from the smoking ban if it is a convertible, but only when the roof is down

It is the legal responsibility of anyone who drives, manages or is responsible for order and safety on vehicles to prevent people from smoking. If they do not apply this law they could be liable for a court awarded fine of up to £2500.

Rented or leased vehicles include those on short or long term hire. This includes not only daily rental but contract hire, finance lease, contract purchased, employee car ownership schemes, in fact, every vehicle that is on a hire or rental agreement.

A vehicle which is used in the course of paid or voluntary work by more than one person is covered by the smoking ban, even if those people use the vehicle at different times or only intermittently.

Penalties

Smoking in smoke free premises or work vehicles:

- a fixed penalty notice of £50 (reduced to £30 if paid in 15 days) imposed on the person smoking. Or a maximum fine of £200 if prosecuted and convicted by a court.

Failure to display no smoking signs:

- a fixed penalty notice of £200 (reduced to £150 if paid in 15 days) imposed on whoever manages or occupies the smoke free premises or vehicle. Or a maximum fine of £1000 if prosecuted and convicted by a court.

If someone is smoking in a smoke free vehicle, you should alert the manager or the person in charge of the premises or vehicle in the first instance.

Our advice to customers

We would recommend that the best way for companies wanting to take total control of their company smoking policy would be to ban smoking completely from all company cars and vehicles. Should there be any confusion surrounding the ban and which vehicles it covers, a total ban on smoking in any company owned vehicle, whether for sole use of one person or shared, may be the simplest option.

A total ban on smoking would also ensure that vehicles are kept in better condition, which would prevent possible recharges when vehicles are returned.