



# Smoking Ban in Work Vehicles

Smoking at work will be banned in Wales from 2 April this year and in England & Northern Ireland from 1 July. From those dates onwards, it will be an offence to smoke or to permit smoking in enclosed public spaces and workplaces, including most vehicles used for work.

Unlike in Scotland, cars will be covered by the ban as well as vans, HGVs and public transport vehicles.

## **"Smoke free" vehicles**

The law will require any vehicle that is used by more than one person in the course of paid or voluntary work to be "smoke free." Smoke free vehicles will have to display no-smoking signs in the passenger compartment. It will be illegal to smoke in them at any time – not just when there is more than one person in the vehicle. Work vehicles do not have to be smoke free if they are exclusively used by a single driver who never carries passengers in the course of paid or voluntary work. If you manage or operate smoke free vehicles, you will have a legal responsibility to ensure that the required no-smoking signs are in place. It will be the legal responsibility of anyone who drives, manages or is responsible for safety on a vehicle to prevent people from smoking in it.

## **Exempt vehicles**

Privately owned vehicles will not have to be smoke free – unless they are regularly used to carry passengers on work trips or if business use exceeds private mileage. Drivers can smoke in company-owned or private convertibles, providing that the roof is fully folded down and stowed.

## **Vehicle policy**

The smoking ban regulations state that vehicles must be smoke free at all times if they are used in the course of paid or voluntary work by more than one person, even if those people use the vehicle at different times, or only intermittently. Castle recommends applying a firm no-smoking policy to all company vehicles, covering all users including private as well as business use. This will remove any doubt about compliance with the workplace smoking law, as well as saving vehicle interiors from burns and smoke damage.

## **Enforcing the law and penalties**

Local councils will enforce the new law and will have the power to appoint enforcement officers, such as environmental health officers, trading standards or local community support officers. They will offer information and support to help businesses meet their legal obligations. Drivers or passengers who ignore the smoke free rules will be liable to a fixed penalty of £50. This will be discounted to £30 if the fine is paid within 15 days. If taken to court a maximum fine of £1000 could be applied. Companies should make sure that their employees know that they will be liable for a fine if they are caught smoking in

a designated smoke free vehicle. All vehicles used by more than one person in the course of paid or voluntary work must be "smoke free" at all times. Private cars are exempt if they are used primarily for private motoring.

## **Smoking in vehicles: What the ban will cover in England, Northern Ireland and Wales**

Companies or drivers may be liable for a failure to display no-smoking signs in accordance with the regulation – fixed penalty £200 reduced to £150 if paid within 15 days. If taken to court a maximum fine of £1500 could be imposed. Employers should ensure stickers are provided to drivers' of any vehicle that will be covered by the regulation. Advice should be given to drivers to ensure that the sticker is displayed so it is visible to occupants of the vehicle and also from outside. (NB: at this stage there is no specific guidance regarding placement of the sticker). Failure to prevent smoking in a smoke-free place – liable to conviction and a fine to a maximum of £2500. There is no fixed penalty option for this fine. To ensure management responsibilities are adequately discharged employers need to take reasonable steps to ensure all staff is aware of the regulation and which vehicles are designated as smoke free. Any appropriate policy documents should be reviewed and amended to reflect changes to rules related to smoke free regulation.

### **No-smoking signage**

A no smoking sign will need to be displayed in each compartment of any vehicle designated as smoke free. This must show the international no-smoking symbol at least 70mm in diameter. Stickers are available free of charge as follows:

#### **Wales**

Up to 30 stickers can be ordered online by visiting the [www.smokingbanwales.co.uk](http://www.smokingbanwales.co.uk) website. Quantities of around 100 are available by calling **02920 825687**. For larger quantities email [orders@smokingbanwales.co.uk](mailto:orders@smokingbanwales.co.uk) confirming the quantity of stickers required, the reason that amount is needed and a contact telephone number. Stickers are currently being dispatched within 3-5 working days.

#### **England**

Up to 30 stickers can be ordered online by visiting the [www.smokefreeengland.co.uk](http://www.smokefreeengland.co.uk) website. Up to 100 Stickers can be ordered over the telephone from the Smoke free England Helpline **0800 169 1697**. Larger quantities are available by emailing [orders@smokefreeengland.co.uk](mailto:orders@smokefreeengland.co.uk) confirming the quantity of stickers required, the reason that amount is needed and a contact telephone number.

#### **The law in Scotland**

Scotland's smoking law, which came into force in March 2006, allows smoking in company cars as well as private cars. All other commercial and public vehicles must be smoke free. No-smoking signs in vehicles must display the holder of a post (e.g. the manager) to whom a complaint may be made by anyone who observes someone smoking.

Visit

[www.clearingtheairscotland.com](http://www.clearingtheairscotland.com) for more information.

## Smoke free vehicles checklist

When the ban comes into force (on 2 April if your business is in Wales, or on 1 July in England and Northern Ireland) you should:

- **Take reasonable steps to ensure that staff, customers and visitors are aware that premises and vehicles are legally required to be smoke free**
- **Display 'no-smoking' signs in smoke free vehicles**
- **Ensure that no one smokes in smoke free vehicles.**  
**You may also wish to:**
- **Develop a smoke free vehicles policy in consultation with staff**
- **Provide drivers and staff support to quit smoking.**

## Frequently Asked Questions

### *Does the law just apply to cigarettes?*

No, it covers all substances that a person can smoke. These include manufactured cigarettes, hand-rolled cigarettes, pipes, cigars, herbal cigarettes.

### *Some of our drivers share work vehicles with other smokers. Can they still smoke?*

No, the law is designed to protect smokers and nonsmokers from secondhand smoke. Smoking will only be permitted in work vehicles that are for the sole use of the driver and are not used by anyone else for work either as a driver or passenger.

### *Does the new smoke free law apply to vehicles used for voluntary work?*

Yes, the new law applies to all work, including voluntary work.

### *If employees occasionally use their private cars for business trips, will they need to be smoke free?*

No, vehicles used primarily for private purposes will not need to be smoke free.

## For more information

England: [www.smokefreeengland.co.uk](http://www.smokefreeengland.co.uk)

Wales: [www.smokingbanwales.co.uk](http://www.smokingbanwales.co.uk)

Scotland: [www.clearingtheairscotland.com](http://www.clearingtheairscotland.com)

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