

## Fact Sheet

# Smoking legislation.

Under the 2006 Health Act, smoking is banned in public premises, including workplaces and commercial vehicles.



Company vehicles, which include cars, vans and goods vehicles, used by more than one person now carry a no smoking ban for all drivers and passengers. Single use company cars and private cars have escaped the ban.

## Government objectives.

The Government's objectives through delivering smoke-free legislation are to:

- ✓ Reduce the risks to health from exposure to second-hand smoke.
- ✓ Recognise a person'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 thousands of lives over the next decade by reducing both exposure to hazardous second-hand smoke and overall smoking rates.

## Rules and exemptions.

The 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.

## Penalties and fines for breaking the law.

Local councils are responsible for enforcing the new law in England. If you don't comply with the smoke-free law, you will be committing a criminal offence. The fixed penalty notices and maximum fine for each offence are:

- **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 anyone 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.

## No smoking signage.

The regulations require any person with management responsibilities for a smoke-free vehicle to display a no smoking sign in each enclosed compartment that can accommodate people. The no smoking signs must simply display the international no smoking symbol in colour, and be a minimum of 70mm in diameter. The sign must be displayed in a position that is prominently visible to a person entering the vehicle.

Signage is supplied for all new Lex Autolease vehicles in the form of a sticker that sits inside the tax disc holder in the normal front left position on the inside of the windscreen. It has been designed so that it can be slipped into the transparent holder, so that it may be removed if used by a driver who doesn't transport colleagues on work journeys.

## 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 re-charges when vehicles are returned.

## Online information.

UK smoking ban  
[www.smokefreeengland.co.uk](http://www.smokefreeengland.co.uk)

## To find out more

Call:

**Driver support team**  
**0844 824 0736**