



Information Factsheet

Smokefree Law

for Drivers

From 1st July 2007 a new Smokefree Law came into force in England to protect employees and the public from the harmful effects of secondhand smoke. New legislation has seen smoking banned in enclosed public places, workplaces and also vehicles.

As a Company Car driver please read the following factsheet carefully to understand your responsibilities under this new law.





More information:

www.smokefreeengland.co.uk/thefacts/situation.html

Your Responsibility under the New Law

It is the legal responsibility of anyone who drives, manages or is responsible for order and safety on a vehicle to prevent people from smoking.

Which Vehicles does this Law apply to?

Company Cars

The new law requires all Company Cars to be smokefree at all times if they 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.

If there is a possibility that you may have colleagues (or suppliers/customers) in your vehicle then the vehicle has to be non-smoking.

Pool and Delivery Vehicles

All pool and delivery vehicles must be smokefree at all times.

Private Cars

In its consultation paper the Department of Health states that there is no intention to require private vehicles to be smokefree, unless this vehicle is used primarily for business purposes.

You must however be able to demonstrate that the vehicle is used primarily for private purposes, in the event you are called upon by the local authorities. (e.g this could be achieved through mileage claims).

What do I need to do?

As a driver, you have the duty to prevent smoking in a smokefree vehicle. This includes:-

- displaying 'no smoking' signs in smokefree vehicles.
- taking reasonable steps to ensure that staff, customers/members and visitors are aware that vehicles are legally required to be smokefree.
- ensuring that no one smokes in smokefree vehicles.

What signage do I have to display?

Smokefree vehicles will need to display a no smoking sign 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 should ensure that you have the appropriate sticker to display in your vehicle.

*Means a symbol, which consists solely of a graphic representation of a single burning cigarette enclosed in a red circle of at least 70mm in diameter with a red bar across it.

How will the law be enforced?

Local councils will be responsible for enforcing the new law in England. Their approach to enforcement will be based on supporting businesses to comply with the new law. However, they have legal power to board vehicles to determine if the new law is being upheld.

What are the penalty amounts?

The penalties and fines for the smokefree offences set out in the Health Act 2006 are:

Offence	Who is liable?	Fixed Penalty Notice (if paid in 15 days)	Fixed Penalty Notice (if paid in 29 days)	Court awarded fine
Smoking in a smokefree vehicle	Anyone who smokes in a smokefree vehicle	£30	£50	Up to £200
Failing to display required no-smoking signs	Anyone who manages or occupies the smokefree vehicle	£150	£200	Up to £1000
Failing to prevent smoking in a smokefree place	Anyone who manages or controls the smokefree vehicle	N/A	N/A	Up to £2500

For latest information on GE Fleet Services and industry information register today for our monthly FOCUS newsletter:

www.gefocus.co.uk