

SMOKE FREE ENGLAND



Rules around smoking in company vehicles have or are being changed. As you will see these rules differ depending on which part of the country you live or work. As such make it very difficult to police by you the fleet owner. You will need to adopt a policy that cover the entire country. I would suggest that smoking in company vehicles be banned. This will cause some upset with those that smoke but the fines for the business can be up to £2500.00 a time.

If this is the case then I suggest the following actions take place

1. Issue the enclosed signs for all vehicles and send with a letter to each driver
2. All managers to drive the message home to all company car drivers
3. Addendum to the company vehicle policy be sent out to all drivers (including those who use their own vehicles for company business) for them to sign and return to HR
4. Signs put up at each office location reiterating the policy change.

Please take time to read the detail below:

ENGLAND

IN England, the new rules come into effect on July 1 2007 and companies flouting them face fines of up to £2,500.

All enclosed public places and workplaces will become smoke-free from that day – including company cars, pool and hire cars – under the 2006 Health Act.

The legislation will make it an offence for those who control or manage smoke-free premises to fail to stop people smoking in them. 'No smoking' signs will have to be displayed.

Where a vehicle is used as a workplace by more than one person, regardless of whether they are in the vehicle at the same time, it will have to be smoke-free at all times. This is meant to protect people who use the vehicle from second-hand smoke, regardless of when they use the vehicle.

Drivers of convertible cars will be exempt as long as the roof is down when they or their passengers are smoking.

Smoking will be allowed in vehicles that are for the sole use of the driver and are not used by anyone else, either as a driver or passenger.

Even if all the people using a shared car are smokers, the legislation requires them not to smoke in the car.

However, the regulations do not extend to private vehicles used for business purposes.

Under the act, employers, managers and those in charge of smoke-free premises and vehicles will need to:

- Identify areas where smoking will constitute an offence and display 'no smoking' signs.
- Take reasonable steps to ensure that staff, customers/members and visitors are aware that premises and vehicles are legally required to be smoke-free and ensure that no-one smokes in smoke-free premises or vehicles.
- Alter the staff handbook and invoke disciplinary procedures if necessary.

The government has proposed that local authorities will enforce smoke-free legislation, although the government acknowledges that this legislation will be largely self-enforcing.

The proposed penalties are:

- For smoking in a smoke-free premises or vehicle: fixed penalty notice of £50, fine of up to £200.
- For failing to display no smoking signs in smoke-free premises and vehicles as required by the legislation: fixed penalty notice of £200, fine of up to £1,000.
- For failing to prevent smoking in a smoke-free premises or vehicle: fine of up to £2,500.

There will be an 0800 telephone number to report smoking offences and enforcement officers will work with businesses in the lead-up to implementation to 'build understanding of the requirements of the legislation' and will be on duty to ensure compliance is maintained once the legislation comes into force next summer.

For more information, go to www.nosmokinglaw.co.uk

SCOTLAND

SCOTLAND'S laws came into force in July last year, but are markedly different from England's when it comes to vehicles. Anyone flouting the laws could face a fixed penalty notice of £200 or be prosecuted and face a fine of up to £2,500.

All cars, whether used for business or private purposes, are exempt from the law, with the exception of taxis. Company cars are therefore not affected and nor are leased cars.

However, all other vehicles, such as vans and lorries, used primarily for business purposes and any public transportation vehicles are affected.

Even if the driver is on his or her own in the van, if it is used by more than one person for work then it is included in the law.

The rules also apply to vans traveling into Scotland from England. Regardless of origin, non-smoking vehicles traveling north of the border should already have no smoking signs on display.

'No Smoking' signs should be displayed in or on any vehicles that are affected by the ban so that they can be seen and read by people both in the vehicle and approaching it. There is no legal requirement on the size of the signs but they must:

- State that the vehicle is no-smoking and that it is an offence to smoke there or knowingly permit smoking.
- Display the international no-smoking symbol – a cigarette in a circle with a line through it. It is the fleet's responsibility to display this in vehicles.
- Display the details of a person (for example, a manager) to whom complaints can be addressed by anyone who observes someone smoking.

The rules state that ashtrays should not be present in a no-smoking premises. Whether or not this covers no-smoking vehicles is unclear. The Scottish Executive was unable to confirm at the time of this bulletin.

For more information, go to www.nosmokinglaw.co.uk

WALES

THE Welsh legislation is broadly similar to that applying to England, but comes into force earlier, on April 2 this year.

The rules on which vehicles are exempt and which are the same as in England, although the exact details on penalties won't be known until the legislation is ratified by Parliament.

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