



SMOKING LEGISLATION

Under the 2006 Health Act, smoking is banned in public premises, including the workplace, cars 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.

From 1st October 2015 it became illegal to smoke in ANY vehicle where someone under the age of 18 years is present. The only exceptions to this law are when only one person is present in the vehicle or if it is a convertible and the roof is in the down position.

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.

All Lex Autolease vehicles will be provided with a suitable window sticker to be displayed. In commercial vehicles, the no smoking sticker forms part of the driver pack.

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

For further information please contact your Lex Autolease Relationship Manager or

Call: 0344 824 0736 and speak to the Driver support team
