

Knowledge

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ARTICLE 31

Smoking in cars: the health and safety implications

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Smoking in company cars

The UK-wide ban on smoking in public places was completed on 1 July 2007, making it illegal to smoke in almost all 'enclosed' and 'substantially enclosed' public places and workplaces. This definition includes business vehicles – including company cars – used by more than one person. The law differs slightly in Scotland: here vans and lorries are covered by the ban; not company cars.

No-smoking signs must be displayed in these vehicles.

Managers are obliged to prevent people from smoking in business vehicles.

Local authorities enforce the new law. Smoking in a company vehicle used by more than one person is a criminal offence carrying a fixed penalty of £50 (£30 if paid within 15 days). If it does go to court the maximum fine is £200.

Company vehicles used by more than one person must display no-smoking signs. Penalty for non-compliance is a fixed penalty notice of £200 (reduced to £150 if paid within 15 days). A court can fine a maximum £1000.

There is no fixed penalty option for a manager who fails to prevent smoking in a company car. On conviction a court can impose a fine up to £2500

Driving At Work – Managing Work Related Road Safety (published by the Health and Safety Executive and Department of Transport) says "Many incidents happen due to inattention and distraction". The legislation on the use of mobile phones while driving was designed to prevent drivers being distracted.

Which begs the question: is lighting and smoking a cigarette an activity that distracts the driver?

The answer is probably yes, though I am sure that smokers would disagree.

A number of companies ban their employees from smoking in company vehicles. They believe – correctly – that a smelly car will be worth less when the time comes to sell the car.

Few have considered whether smoking when driving distracts the driver. Given the general thrust of recent health and safety pronouncements relating to driving for work, it is probably worthwhile for every company to carry out a risk assessment and have a policy on smoking in company cars.