



# Smoke-free law for drivers<sup>o</sup>

Don't get burnt

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Since July 2009 England introduced smoke-free laws applying to vehicles. Scotland, Wales and Northern Ireland already had smoke-free vehicle legislation in place.

Smoke-free vehicle laws affect drivers, as do references to smoking and driving in the Highway Code, which also carries some legal consequences.

## Smoke-free laws.

Company vehicles are required to be smoke free at all times if they are used:

- to transport members of the public, or 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).

In simple terms, if there's a possibility that you will transport colleagues, then your vehicle has to be a smoke-free vehicle.

The following offences are all punishable by fine (the of which is £2500):

- smoking in a smoke-free vehicle,
- failing to display the required no-smoking signs,
- failing to prevent smoking in a smoke-free place.

In Scotland it's even more straightforward it is an offence to smoke in any vehicle used for work, unless that vehicle is a car. This rule also applies to vehicles that originate from other parts of the UK.

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### Driver duties.

As driver it's your responsibility to prevent smoking in a smoke-free vehicle.

You'll 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 no smaller than 70mm in diameter. It's also up to you to take reasonable steps that anyone travelling in your vehicle is aware it is smoke-free.

Know what's expected of you... Some employers may impose policies regarding smoking that go further than the law.

### Highway Code.

Smoking is included in the Highway Code (Rule 148) as one of a number of distractions to be avoided when driving. Furthermore Rule 149 of the Highway Code also states that drivers MUST NOT smoke in public transport vehicles or in vehicles used for work purposes. The latter includes company cars and vans.

The Highway Code doesn't make it a specific offence to smoke while driving, any more than it is to engage in any other distracting activities.

However, if any of these activities are coupled with poor driving, or lead to an accident, a charge of careless, or even, dangerous driving, or failing to control the vehicle becomes a real possibility.

There's no compelling reason to smoke while driving. If a driver has an irresistible urge to smoke, the advice should be similar to that given around using a mobile phone... find somewhere safe to stop first.



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