

THE SMOKE- FREE PREMISES ETC. (WALES) REGULATIONS 2007

Smoke Free Vehicles

Under this Act, a smoke-free vehicle means every type of vehicle, including trains, **taxis**, buses, vessels, aircraft and hovercraft.

The law requires that vehicles which are:

- **Used to transport the public, or a section of the public;** or are
- used by more than one employee in carrying out work duties – even if this use is at different times or only intermittently,

are smoke free at **all** times.

This means that no proprietor, owner/driver, fleet driver or passenger may smoke in the vehicle.

Duties in relation to smoke free vehicles apply to the 'relevant person'. The 'relevant person' is defined within this legislation as the operator, the driver, and any person on a vehicle who is responsible for order or safety on it.

No-smoking signage for vehicles

In order to comply with the Act, no-smoking signs will need to be displayed in any vehicle covered within the legislation, i.e. enclosed vehicles used to transport the public or used by more than one employee for carrying out work duties.

A no smoking sign will be required to be placed in a prominent position in **each** compartment of the vehicle, which is wholly or partly covered by a roof, including the drivers compartment.

A no smoking sign in a vehicle must display the international 'No Smoking' symbol in red, at least 75mm in diameter.

These signs are being provided **free of charge** by the Welsh Assembly Government, and can be obtained from the Licensing Office.

Policy and procedures

A smoking policy should be introduced when the legislation comes into effect. This should outline the company's arrangements for dealing with the legislation, and will vary depending upon the precise nature of the business e.g. private hire operators should advise customers at the time of booking that smoking is not permitted in the vehicle. Drivers of hackney carriages and private hire vehicles should ask customers, trying to enter the vehicle, who are smoking, to extinguish the cigarette, and refuse entry, if necessary.

Procedures should be written for the event of non-compliance e.g. *In the event of an individual not complying with the law, it is recommended to take the following action:*

- *Draw the person/s attention to the 'No Smoking' signs and inform them that they are committing an offence by smoking. Politely ask them to stop smoking.*
- *Advise the person that the company would be liable to prosecution for allowing an individual to smoke in a smoke-free vehicle.*
- *If the person continues to smoke, ask them to leave the vehicle.*
- *If they refuse to leave, implement normal procedure for anti-social/illegal behaviour on the vehicle.*
- *Maintain a written record of all such incidents and outcomes.*

National Compliance line

A confidential compliance line will operate after the new law is introduced. This will allow the public to report alleged breaches of the law. Complaints will be referred for investigation to the local authority.

Further guidance on the new law may be obtained from:

www.smokingbanwales.co.uk

Or, by contacting Vale of Glamorgan Council on 01446 709105.