

FACT SHEET 15

Smoking in fork lift trucks fitted with cabs

In simple terms, from 1st July 2007, it will be illegal to smoke in a fork lift truck fitted with a cab. In addition, there will be a legal requirement for such trucks to be fitted with a “No Smoking” sticker.

All enclosed vehicles used by more than one person at work, at any time, must be smoke-free. To be more specific The Smoke-free (Exemptions and Vehicles) Regulations 2007 state:

1. (Subject to the following paragraphs of this regulation,) an enclosed vehicle and any enclosed part of a vehicle is smoke-free (ie you can't smoke in it) if it is used in the course of paid or voluntary work by more than one person (even if those persons use the vehicle at different times, or only intermittently).
2. A vehicle or part of a vehicle is enclosed for the purposes of paragraph 1 where it is enclosed wholly or partly by a roof and by any door or window that may be opened. (Having a roof alone would not be considered to be enclosed under these regulations.)
3. “Roof” in paragraph 2 includes any fixed or moveable structure or device which is capable of covering all or part of the vehicle, including any canvas, fabric or other covering. Such a vehicle must display an international no-smoking symbol at least 70mm in diameter. In the case of hire trucks, it would be reasonable to expect that the hiring company would provide trucks with such signs already fitted.

Further information is available in: Statutory Instrument 2007 No. 765 The Smoke-free (Exemptions and Vehicles) Regulations 2007 Part 3 - Vehicles

The information in this Fact Sheet has been assembled and interpreted to give truck owners and users basic guidance on frequently asked questions. Further important information will be given in the quoted reference documents. Responsibility for meeting the safety obligations discussed rests with the employer, and the FLTA will not accept liability for any problem arising as a result of the content of this document. Technical Bulletins, containing more detailed information and updated as appropriate, are made available free to members of the FLTA SAFE USER GROUP.

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