Breastfeeding etc. (Scotland) Bill

Bill Number: SP Bill 15
Introduced on: 16 December 2003
Introduced by: Elaine Smith (Members Bill)
Passed: 18 November 2004
Royal Assent: 18 January 2005

2005 asp 1

Passage of the Bill

The Breastfeeding etc. (Scotland) Bill [SP Bill 15] was introduced in the Parliament by Elaine Smith on 16 December 2003 with the Health Committee designated as the lead committee. The Stage 1 debate took place on 23 September 2004 and following the Stage 3 parliamentary debate on 18 November 2004 the Bill was passed.

Purpose and objectives of the Bill

The aim of the bill was to make it an offence to prevent or stop a child under the age of 2 being fed milk in a public place or licensed premises, where the child is otherwise lawfully permitted to be. The bill also contained provisions for the support and promotion of breastfeeding.

Provision of the Bill

The Bill introduces a fine of up to £2,500 for a person who deliberately prevents or stops a person from bottle-feeding or breastfeeding a child in a public place. The Bill also amends the National Health Service (Scotland) Act 1978 to impose duties on Ministers to support and encourage mothers to breastfeed their children.

Parliamentary Consideration

The Health Committee received evidence as part of its Stage 1 enquiry from a number of organisations including breastfeeding groups, local authorities, the Crown Office and organisations representing the Scottish Police Force.

Amendments were proposed by Carolyn Leckie MSP both at Stage 2 and Stage 3 regarding the age limit of the child being fed milk. Proposals included removing the age limit completely or raising the age limit from 2 years to either 3, 4, or 5 years of age. Carolyn Leckie believed that having an upper age limit sent a negative message to mothers breastfeeding older children and as many children as possible being breastfeed should be included in the legislation. Arguments against the amendments included the possibility of the legislation being open to ridicule if no upper age limit was set. In terms of setting an age limit above two years, Elaine Smith MSP pointed out that the
steering group she set up to develop the proposals for the Bill, had discussed this issue at great length and had eventually decided that age two was an appropriate upper age limit. Elaine Smith also maintained that an upper age limit of two in the Bill would not make it illegal for a woman to breastfeed beyond two. The amendments were not agreed to.

No major changes to the bill were made on its progression through Parliament.