Prohibition of Smoking in Regulated Areas (Scotland) Bill

Bill Number: SP Bill 20
Introduced on: 3 February 2004
Introduced by: Stewart Maxwell (Member’s Bill)
Withdrawn: 21 July 2005

Passage of the Bill
The Prohibition of Smoking in Regulated Areas (Scotland) Bill [SP Bill 20] was introduced in the Parliament on 3 February 2004. Stage 1 commenced on 8 June 2004 with the Health Committee as the lead committee. The stage 1 debate did not take place and the Bill was withdrawn by the Member in charge of the Bill, Stewart Maxwell.

Purpose and objectives of the Bill
This Member’s Bill was intended to ban smoking in public places where food is served. It followed and refined a proposal for a bill made by Kenneth Gibson MSP, in Session 1, to “regulate smoking in enclosed premises open to the public where food is sold and consumed.”

Provisions of the Bill
The Bill defined a ‘regulated area’ as one in which food is served, or will be served within the following 5 days. It would be an offence to smoke in a regulated area, to permit smoking in a regulated area and to fail to display signs inside and outside regulated areas. These offences would have carried a penalty of a fine of up to £1,000 and offences relating to the Bill, except the offence of smoking in a regulated area, would apply to bodies corporate and partnerships as well as to individuals.

Parliamentary consideration
In its Stage 1 Report on the Bill, published on 11 January 2005, a majority of Committee members were of the view that the ban would have a positive impact on public health and that a voluntary approach to tobacco control would not ensure the same outcome. A majority of members supported the general principles of the Bill.

However, on 16 December 2004, prior to the Committee’s stage 1 report, the Executive introduced the Smoking, Health and Social Care Bill [SP Bill 33]. This Bill completed stage 1 by 29 April 2005 and was passed on 30 June 2005 (2005 asp 13).

The Prohibition of Smoking in Regulated Areas Bill was withdrawn on 21 July 2005.