

## Smoking Prohibition (Children in Motor Vehicles) (Scotland)

### The RAC

#### About the RAC:

The RAC is the UK's oldest motoring organisation and is separate from the RAC Foundation which is a transport policy and research organisation which explores the economic, mobility, safety and environmental issues relating to roads and their users.

With more than eight million members, the RAC is one of the UK's most progressive motoring organisations, providing services for both private and business motorists. As such, it is committed to making driving easier, safer, more affordable and more enjoyable for all road users.

The RAC, which employs around 70 patrols in Scotland, provides roadside assistance across the entire Scottish road network and as a result has significant insight into how the country's road networks are managed and maintained. For more information about the RAC, please visit [www.rac.co.uk](http://www.rac.co.uk)

#### RAC Response to Committee's questions:

1. Do you support the Bill? Please provide reasons for your position.

The RAC supports proposals to ban smoking in vehicles with children inside. The RAC is not in a position to comment authoritatively upon any suggested health benefits that may arise from this. However, the link between inhaling smoke from cigarettes and tobacco and respiratory diseases, including lung cancer, is well established and it seems immoral to expose children to the effects of inhaling such smoke when travelling within the confines of a motor vehicle.

The RAC advises drivers that smoking in vehicles (including elements such as finding a lighter, lighting the cigarette and intermittent removal of hand from steering wheel) can create a distraction from driving and could increase the chances of an incident. Research carried out by Allianz Insurance in 2014 suggests that almost half (47%) of drivers who smoke admit that they have been distracted by smoking behind the wheel. There are, however, adequate laws in place at present to combat careless driving. Enforcement, on the other hand, remains a key issue. Across Scotland, the numbers of Road Traffic Police officers reduced by 4% in the period between 2007 and 2011. It is essential the new laws being brought forward have adequate resources to police them.

The RAC also believes this legislation is a step in the right direction as it will bring Scotland's laws in line with England and Wales, where smoking in vehicles with minors will be outlawed in October 2015.

2. Do you think the Bill (if enacted) would achieve its aim of protecting children from the effects of second-hand smoke and their health? Please provide an explanation for your answer.

The RAC is not in a position to comment on health related effects of children inhaling second hand smoke.

3. Is there anything in the Bill you would change? If yes, please provide more details.

The RAC does not believe anything in the Bill needs to change, though we are concerned with certain provisions on automatically issuing FPNs for drivers who have no knowledge of the age of drivers within their cars. The Bill says that drivers can argue that they were unaware of the age of their passengers in court. This would require drivers to reject a FPN, escalating in the possibility of a conviction. This procedure could be distressing and time consuming for drivers who have been perfectly innocently caught out by, for example, a passenger who may look over 18 but is in fact 17. The RAC believes that there should be more emphasis on provisions for an element of common sense when officers are dealing with cases like these.

4. Who do you think should have responsibility for enforcing the proposed legislation and why?

The RAC believes that road traffic officers have a key role to play in enforcing road regulations, particularly in light of introducing fixed penalty notices for breaches of the new laws.

As outlined in the Bill, use of cameras to enforce this law would be extremely difficult.

5. What type of vehicles do you think should be exempt from the legislation and why?

The RAC does not believe there needs to any exemptions present.

6. What is your view on the Bill's provision for a defence that the person smoking could not have reasonably know that the other occupants of the vehicle were under 18?

There will be occasions where drivers are unaware of the age of passengers travelling with them. The RAC would strongly support an advertising campaign to make road users aware of the change of law in the first circumstance. It is also unreasonable to expect drivers to interrogate passengers before they enter the car as to their age.

As mentioned earlier, the Bill says that drivers can argue that they were unaware of the age of their passengers in court, though they would have already been issued with a FPN. This procedure could be distressing and time consuming for drivers who have been perfectly innocently caught out by, for example, a passenger who may look over 18 but is in fact 17 years of age. The RAC believes that there should be provision for an element of common sense when officers are dealing with cases like these.

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