

**Smoking Prohibition (Children in Motor Vehicles) (Scotland) Bill****East Dunbartonshire Tobacco Alliance****Q1. Do you support the Bill? Please provide reasons for your position.**

The East Dunbartonshire Tobacco Alliance (EDTA) are supportive of the Bill. The impact of second hand smoke has been widely documented and we are pleased that as a society we are now better educated and therefore less tolerant of environmental tobacco smoke and the impact this has on others.

Babies and children are the most vulnerable to second hand smoke, they are already protected from second hand smoke in public places and we welcome this Bill as a step further in protecting their health and development.

EDTA note that with the increasing volumes of traffic on roads and ever decreasing staff number, enforcement of this Bill may be problematic

**Q2. 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.**

EDTA believes that if this Bill was enacted, it would go some way to protect children from the effects of second hand smoke. In most cases, it could be assumed that if adults are smoking in cars they will also be smoking within the home, thus exposing their children to further environmental tobacco smoke.

This Bill would (we hope) encourage smokers to think of the other situations whereby their children may be exposed to tobacco smoke. Further, for parents who rely on others to take their children to school (grandparents, friends), this widespread Bill will support these parents in helping to protect their children at all times.

**Q3. Is there anything in the Bill you would change? If yes, please provide more details**

EDTA would like to enquire whether there is a possibility of providing guidance or regulations similar to that of Health care workers, whereby smokers are requested not to smoke in their house half an hour before a visit from a health care worker.

EDTA believe that similar guidance could be incorporated within this Bill, to state that an adult should not smoke in a car half an hour prior to a child entering the car.

**Q4. Who do you think should have responsibility for enforcing the proposed legislation and why?**

EDTA agree that it is Police Scotland responsibility to enforce the Bill. Police Scotland have the power to stop vehicles and are suitably placed to enforce this legislation.

However EDTA believe that other 'partners' such as local councils , NHS and local Tobacco Alliances for example can support the promotion of the initiatives which help to raise awareness of the legislation to the wider community.

**Q5: What type of vehicles do you think should be exempt from the legislation and why?**

After discussion, some members of EDTA felt that camper vans should be exempt from the Bill. This regulation should only be upheld if the vehicle is considered the permanent home to the person who smokes. This exemption is in line with "normal households" whereby a smoking ban cannot be enforced.

EDTA would like to question Policy Memorandum Document Point 14, whereby there is a suggestion that any vehicle considered as a "workplace", i.e. public transportation vehicle, be exempt from the Bill, as these are covered by alternative legislation. EDTA believe that all vehicles should be included in this Bill.

Further, there is a suggestion that convertible vehicles, with the top fully down could be exempted but this would appear too difficult to enforce, i.e. proving when that person "put the roof down".

Comments on these two points would be gratefully received.

**Q6. 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?**

EDTA largely disagree with this statement and believe the onus is on the driver or person in control of the vehicle to be aware of the ages of the occupant. (Such as in the seatbelt regulations) By including a statutory defence, EDAT believe confusion will arise on the definitions as to what "reasonably believed " legally means.

**East Dunbartonshire Tobacco Alliance**