

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

NHS Lanarkshire

The Health and Sport Committee has launched a call for written evidence to inform its consideration of the Smoking Prohibition (Children in Motor Vehicles) (Scotland) Bill.

This Member's Bill was introduced by Jim Hume on 15 December 2015 and the Health and Sport Committee has been designated as lead committee for consideration of it at Stage 1.

What information is the Committee looking for?

The Committee is seeking responses to the following questions—

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

NHS Lanarkshire wholeheartedly supports this Bill which will protect children from the harmful effects of exposure to second hand smoke in a confined space. It is hoped that the resulting media attention will help to further raise awareness of the serious threats to children's health as a result of such exposure. It may also prompt adults to change their smoking behaviours in both the car and the home, give up smoking or reduce the number of cigarettes they smoke. This Bill supports the Scottish Government's vision for a smoke free Scotland by 2034 and the target to reduce children's to SHS in the home from 12% to 6%.

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.

NHS Lanarkshire strongly agrees that this Bill will make a substantial contribution to reducing children's exposure to SHS given that it is estimated that 60,000 children are exposed each week to SHS whilst travelling in the car¹. We believe that there will be immediate health benefits as a result of reduced exposure and this reduction may result in reduced GP consultations and children's admissions to hospital. Smoking bans are known to increase the rate of smoking cessation and quit attempts². This will also contribute to reducing exposure of children to SHS and to the number of adults smoking in the community, thus helping create a smoke free Scotland. However to be most effective we believe a high-profile advertising campaign, in relation to this legislation highlighting new laws coming into effect, is needed.

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

No, NHS Lanarkshire believes the Bill to be both comprehensive and practicably enforceable as it stands.

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

Police Scotland is a core partner within Community Planning and is committed to keeping people safe and improving the safety and wellbeing of persons, particularly those most vulnerable in our society. NHS Lanarkshire believes that the responsibility for enforcement lies with the Police Service of Scotland. The Bill creates a new criminal offence and as such we believe that it is best, given it is such an important public health concern, that it should be enforced by Police Scotland.

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

NHS Lanarkshire agrees with the prohibition of smoking in private motor vehicles in the presence of children and agrees with the limited exceptions, as outlined in the Bill.

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? "Subsection (4) creates a defence for a person who is charged with an offence under subsection (1) if that person can show that, at the time the smoking occurred, he or she reasonably believed all the other occupants of the vehicle to be adults (i.e. persons aged 18 or over)."

NHS Lanarkshire agrees that in such circumstances, a FPN could still be validly issued, but it would be open to the alleged offender to refuse to pay the penalty and rely on the defence in any consequent court proceedings.

1. Respiratory Group at the University of Aberdeen. Response to the Member's consultation (question 2 (2013) Available at: <http://jimhume.org/en/document/consultation-responses#document>.
2. Musiello, T. 2009. *An investigation into the effects of the Scottish smoking ban*. PhD thesis. Chapter 2.3. Queen Margaret University. Available at: <http://etheses.qmu.ac.uk/116/1/116.pdf>.

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