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Health and Sport Committee

Subordinate Legislation



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Health and Sport Committee

Remit: To consider and report on matters falling within the responsibility of the Cabinet Secretary for Health and Sport.



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Scottish National Party

Smoking Prohibition (Children in Motor Vehicles) (Scotland) Act 2016 (Fixed Penalty Notices) Regulations 2016 [draft]

The Committee reports to the Parliament as follows—

1. The Smoking Prohibition (Children in Motor Vehicles) (Scotland) Act 2016 (Fixed Penalty Notices) Regulations 2016 [draft] was laid before the Parliament on 9 September 2016 and referred to the Health and Sport Committee.
2. The Smoking Prohibition (Children in Motor Vehicles) (Scotland) Act 2016 (Fixed Penalty Notices) Regulations 2016 [draft] is subject to the affirmative procedure (Rule 10.6). It is for the Health and Sport Committee to recommend to the Parliament whether the Order should be approved.
3. These regulations make provision in relation to the fixed penalty notice regime under section 2 of the schedule to the Smoking Prohibition (Children in Motor vehicles) (Scotland) Act 2016 ("the Act")
4. By virtue of paragraph 1 of the schedule to the Act an authorised officer of a local authority may issue a fixed penalty notice if they have reason to believe that a person is committing, or has committed, an offence under section 1 of the Act (offence of smoking in a motor vehicle with children) within the local authority area. These regulations prescribe the time after which a fixed penalty notice may not be issued (regulation 2) and make provision regarding the application by local authorities of fixed penalties paid under the schedule and requirements for account keeping (regulation 3).
5. The Delegated Powers and Law Reform Committee considered this instrument at its meeting on 20 September 2016 and agreed that it did not need to draw it to the attention of the Parliament on any grounds within its remit.

[Delegated Powers and Law Reform Committee, 5th Report, 2016 \(Session 5\)](#)

6. At the Health and Sport Committee's 8th meeting on the 25 October 2016, the Committee took evidence on the Smoking Prohibition (Children in Motor Vehicles) (Scotland) Act 2016 (Fixed Penalty Notices) Regulations 2016 [draft] from—
 - Shona Robison, Cabinet Secretary for Health and Sport;
 - Fraser Morris, Team Leader, Health Improvement: Tobacco Control Policy; and
 - Johanna Irvine, Principle Legal Officer, Scottish Government.

7. Motion S5M-01593 was lodged by Aileen Campbell, Minister for Public Health and supported by Shona Robison, Cabinet Secretary for Health and Sport. Following the evidence session, Shona Robison moved the motion S5M-01593—

That the Health and Sport Committee recommends that the Smoking Prohibition (Children in Motor Vehicles) (Scotland) Act 2016 (Fixed Penalty Notices) Regulations 2016 [draft] be approved.

The motion was agreed to.

8. The evidence taken and debate held at the meeting on 25 October 2016 can be found in the Official Report at the following link:

[Official Reports Health and Sport Committee](#)

9. The Health and Sport Committee recommends to Parliament that the Smoking Prohibition (Children in Motor Vehicles) (Scotland) Act 2016 (Fixed Penalty Notices) Regulations 2016 [draft] be approved.

