

£50 On-the-Spot Fine for People Caught Smoking in Cars Carrying Children Proposed in Wales

Thursday 11 September, 2014

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People in Wales could face a £50 on-the-spot fine if they are caught flouting a ban on smoking in cars carrying children under plans unveiled by the Welsh Government.

A six-week consultation on the plans, which were first announced by the First Minister and Health Minister in July, is being launched today (Thursday 11th September).

The move is aimed to protect the health of children and young people from the harm associated with exposure to second-hand smoke when travelling in private vehicles.

Smoking causes serious harm to the health of smokers and to non-smokers who are exposed to second-hand smoke. It continues to be the largest single preventable cause of ill health and premature death in Wales, causing around 5,450 deaths in Wales in 2010.

Under proposed changes to legislation in Wales, it would be an offence to:

- Smoke in a private vehicle when children under the age of 18 are present;
 - As the driver of a vehicle, fail to prevent smoking in a private vehicle when someone under the age of 18 is present.
- Enforcement of the new law will largely be taken forward by police officers in conjunction with their wider functions on road safety.

It is intended that the change in the law will come into force in 2015.

Welsh Ministers are also consulting about whether the Welsh Government should legislate in the future to prohibit the use of e-cigarettes in private vehicles carrying children under 18.

First Minister Carwyn Jones said:

“Children and young people have the right to breathe clean air and enjoy smoke-free environments. Protecting children from exposure to second-hand smoke will help give them the best start in life.

“Exposure to second-hand smoke is a substantial threat to children's health; it can leave them vulnerable to a variety of health conditions such as lower respiratory tract infections, asthma, middle ear disease and other serious infections.

“Some people light up in their cars without thinking and believe that opening the window will help disperse the smoke; however it simply blows back into the car. Children cannot escape from the toxic chemicals contained in second-hand smoke when travelling in vehicles.”

Health Minister Mark Drakeford said:

“We are today setting out our specific plans to ban people from smoking in private vehicles when children under the age of 18 are present. Our aim is to protect the health of children and young people from the harm associated with exposure to second-hand smoke when travelling in private vehicles.

“We believe the most effective way to eliminate this harm is to legislate to prohibit smoking in private vehicles when children under the age of 18 are present.

“Changing the law would protect children from the health harms associated with exposure to second-hand smoke in private vehicles, encourage action by smokers to protect children from second-hand smoke and lead to a reduction in health conditions in children caused by exposure to second-hand smoke.”

ENDS

Notes to Editors

Section 95 of the Children and Families Act 2014 provides enabling powers for the Welsh Ministers to make regulations to prohibit smoking in private vehicles carrying under 18s. The Secretary of State has the power to make regulations to ban smoking in private vehicles in England and Welsh Ministers have the power to ban smoking in private vehicles in Wales.

The latest research findings on the prevalence of smoking in cars, published on July 15, 2014, show there is public support for not allowing smoking in cars carrying children with 84% of adults in Wales agreeing smoking should be banned in cars carrying children. Although it is pleasing to see that the number of children being exposed to smoking in cars has decreased, regrettably there remains a sizeable minority of young people who are still being exposed to second-hand smoke in cars.

In February 2012, the Welsh Government launched the Fresh Start Wales campaign to promote smoke-free cars carrying children and to raise awareness of the risk smoking poses to the health of children. The campaign ended in March 2014 and throughout the campaign the government consistently stated it would consider banning smoking in cars carrying children if children's exposure to second-hand smoke did not start to fall.

A person who receives a fixed penalty notice could choose to have the matter dealt with by a court. If a person does not pay a fixed penalty notice, the matter may also be referred to a court to be dealt with. An enforcement body may also decide to refer an alleged offence directly to court to be dealt with.

On conviction of the offence of smoking in a smoke-free vehicle, a court can award a fine to a maximum of £800. A person convicted of failing to prevent smoking in a smoke-free vehicle could be fined up to a maximum of £10,000.

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