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**COMMISSION FOR  
RACIAL EQUALITY**  
I N S C O T L A N D

28<sup>th</sup> February 2007

John Glen  
Scottish Executive Health Department  
Tobacco Control Division- 3 E(R)  
St Andrew's House  
Regent Road  
Edinburgh  
EH1 3DG

[John.glen@scotland.gsi.gov.uk](mailto:John.glen@scotland.gsi.gov.uk)

Dear Mr Glen,

Rec'd  
1/3/07

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**Re: Consultation on the Draft Smoking, Health and Social Care (Scotland) Act 2005 (Variation of Age Limit for Sale of Tobacco Purchase and Consequential Modifications) Order 2007.**

**Response from the Commission for Racial Equality (the Commission)**

Thank you for the invitation to comment on the *Draft Smoking, Health and Social Care (Scotland) Act 2005 (Variation of Age Limit for Sale of Tobacco Purchase and Consequential Modifications) Order 2007*.

The Commission will not be offering a detailed response to the consultation but is of the opinion that the proposed document overall has relevance to race equality. We would therefore like to remind you that since you are subject to the duty to publish a Race Equality Scheme you are also required to have arrangements in place for assessing and consulting on the likely impact of your proposed policies on the promotion of race equality.

The duty to publish a Scheme with the above arrangements was introduced to improve performance of the General Statutory Duty (the Duty) under section 71(1) of the Race Relations Act 1976, as amended (the Act). This states that you need, when carrying out your functions, to have 'due regard' to the need to:

- Eliminate unlawful racial discrimination.
- Promote equality of opportunity
- Promote good relations between persons of different racial groups.

The Commission therefore expects a Race Equality Impact Assessment to form part of the process of policy design.

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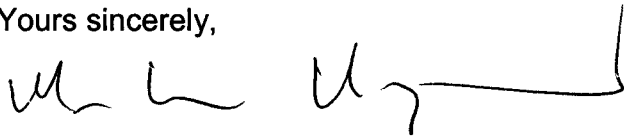
Our website at <http://www.cre.gov.uk/duty/reia/index.html> provides a step by step guide to conducting a race equality impact assessment, a Statutory Code of Practice on the Duty to Promote Race Equality, together with a range of other associated guidance documents which can all be accessed via our website at [www.cre.gov.uk](http://www.cre.gov.uk).

Other requirements of the legislation include arrangements to publish the results of your race impact assessment and consultation. Guidance on this is also available on our website.

The Commission is of the view that a thorough consideration of race equality will ultimately lead to the development of better, more appropriate policies and legislation.

Should you have any queries with regards to this correspondence, please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Martin Hayward', written over a horizontal line.

**Martin Hayward**  
**Senior Public Sector Policy Officer**