

**Forth Valley NHS Board**

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[www.show.scot.nhs.uk/nhsfv](http://www.show.scot.nhs.uk/nhsfv)

John Glen  
 Scottish Executive Health Department  
 Tobacco Control Division  
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Date 28 April 2005  
 Your Ref  
 Our Ref MMCW/RB/ab1182  
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Dear Mr Glen

**THE SMOKING, HEALTH AND SOCIAL CARE (SCOTLAND) ACT 2005  
 (PROHIBITION OF SMOKING IN CERTAIN PREMISES) REGULATIONS 2005: DRAFT**

Further to Sarah Davidson's letter of 10 March, please find below our comments on the above Consultation Document:

**Annex A**

Regulations 1, 2, 3 (1), 3 (2) and 3(3) are defined very clearly especially in elaborating the meaning of expressions that may give rise to problems at a future date when appeals against penalties are made.

**Annex B**

**Regulation 1: Citation, interpretation and commencement**

As stated in general comments on Annex A, the definitions of words and phrases are very lucid.

**Regulation 2: Display of no smoking notices**

The display specifications and approach are acceptable. Will they include displays in other ethnic minority languages? Pictorial displays may also be helpful.

**Regulation 3: "No-smoking premises"**

As premises (existing infrastructure) are already in place, allowances have to be made in the first instance and the existing formula allows for this. However, in time the enforcement could be more comprehensive and prescriptive.

**Regulation 4: Fixed penalty time limits, amounts and payments**

The fixed penalties and time limits of payment are acceptable.

**Regulation 5: Application by councils of fixed penalties and account keeping**

The council's responsibility in enforcing Fixed Penalty Notices and account keeping is clear. In the initial period it may be worthwhile checking the statements bi-annually. Once the system is in place, this could be less frequent (annually).

Headquarters  
 33 Spittal Street Stirling FK8 1DX

**Chairman Ian Mullen**  
 Chief Executive Fiona Mackenzie  
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## **Comments on Schedules and Regulations**

### **Schedule 1: No-smoking premises**

(a to d) includes all the no-smoking premises of section 4(4) of the bill.

### **Schedule 2: Exemptions**

- The current Adult Care Homes approach is sensitive to the needs of the special groups and is welcomed.
- Smoking polices for residential care homes should stress the safety element as well as particular needs.
- Targeting of cessation services is crucial and should be emphasised.

### **Psychiatric hospitals and psychiatric units**

The approach for this vulnerable group is commendable. Although targeting cessation services for this group is important, it will require much more concerted effort to sustain any behavioural change. Specific resources should be made available to facilitate this service.

### **Hotel, guest house and B&B bedrooms**

The flexible element to the approach will be welcomed by most proprietors.

### **Omissions from Schedule 2**

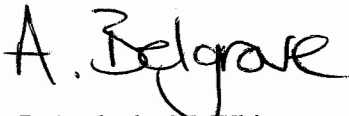
Most of the relevant premises have been included.

### **Annex C**

The Impact Assessment document is very comprehensive and makes a strong case for the additional expenditure that will eventually lead to benefits.

I trust you will find these comments helpful. I also attach the completed Respondent Information Form, which has to be returned with all responses.

Yours sincerely



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Director of Public Health and  
Chief Administrative Medical Officer

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33 Spittal Street Stirling FK8 1DX

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