

-----Original Message-----

From: Mary.Stevenson@scottish.parliament.uk [mailto:Mary.Stevenson@scottish.parliament.uk] **On Behalf Of** Stewart.Maxwell.msp@scottish.parliament.uk
Sent: 23 May 2005 13:41
To: Glen J (John)
Cc: Stewart.Maxwell.msp@scottish.parliament.uk; James.Dornan@scottish.parliament.uk; Lyndsey.McKendry2@scottish.parliament.uk; Mary.Stevenson@scottish.parliament.uk
Subject: Response to consultation on draft regulations

This message has been received from an external party and
has been swept for the presence of computer viruses.

Please find attached a copy of the response to the Smoking Health & Social Care Act -prohibition of smoking in certain premises draft regulations

<<smokingconsultation-draftregsletter-23may05.doc>> <<smoking consultation.pdf>>

Mary Stevenson
Parliamentary Researcher
0141 887 2185

If you would like to receive a free copy of Stewart Maxwell's Newsletter please email me or contact me on the above number.

"The information in this e-mail transmission and any files or attachments transmitted with it are strictly confidential and may contain privileged information. It is intended solely for the person or organisation to whom it is addressed and if you are not the intended recipient, you must not copy, distribute, disclose or take any action in reliance on it. If you have received this e-mail in error, please delete it from your computer system and notify the sender as soon as possible.

While this e-mail message and attachments have been swept by MIMESweeper for the presence of computer viruses, the Scottish Parliamentary Corporate Body does not guarantee that either are virus-free and accepts no liability for damage sustained as a result of a virus. It is the recipient's responsibility to ensure that the onward transmission, opening or use of this message and any attachments will not adversely affect their systems or data or otherwise incur liability in law.

Visit the Parliament's website at <http://www.scottish.parliament.uk/> or watch the Parliamentary business live at <http://www.holyrood.tv/>"

23 May 2005

Stewart Maxwell
MSP for West of Scotland

g:\msp1320\constituencyoffice\constituencyoffice\ research\smoking\executivebill\smokingconsultation-
draftregsletter-23may05.doc

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

**Response to The Smoking, Health and Social Care (Scotland) Act 2005
(Prohibition of Smoking in Certain Premises) Draft Regulations Consultation**

Dear Mr Glen

I wish to comment on Schedule 2, Regulation 3(2) 'Exemptions' to the Bill.

I support an exemption for private vehicles and designated hotel bedrooms from the provisions of the Bill.

I am concerned however that Residential Premises; Adult Care Homes; Adult Hospices; Psychiatric Hospitals and Units and Oil Rigs are wholly exempted. I believe that all of these locations should be designated as no-smoking premises, but allowed to create specific smoking rooms which are not communal areas. If the definition as it stands passes into law then people would be allowed to smoke, legally, in every area of these buildings and structures. This would I believe seriously undermine the credibility and effectiveness of the Bill.

I am also concerned that the definition of 'designated police room' covers interview rooms, detention rooms and police cells: in effect smoking will be allowed in many parts of a police station. I believe the definition is set too wide and needs to be restricted.

Constituency Office
14 William Street
Paisley PA1 2LZ
Tel: 0141 887 2185
Fax: 0141 887 2183

Scottish Parliament
Edinburgh
EH99 1SP
Tel: 0131 348 5669
Fax: 0131 348 6479

23 May 2005

Stewart Maxwell
MSP for West of Scotland

I wish to question the definition of 'public transport facilities'. Does this mean that the main concourses in railway stations such as Edinburgh Waverley, Glasgow Central or Glasgow Queen Street will or will not be covered? In my opinion smoking should be prohibited in all areas of rail and train stations.

Yours sincerely



Stewart Maxwell MSP

Constituency Office
14 William Street
Paisley PA1 2LZ
Tel: 0141 887 2185
Fax: 0141 887 2183

Scottish Parliament
Edinburgh
EH99 1SP
Tel: 0131 348 5669
Fax: 0131 348 6479