



Smokefree cars carrying children briefing

September 2015

Brief overview

From 1 October 2015, private vehicles in England and Wales must be smokefree if they are enclosed, there is more than one person present and one of them is under 18.

It will be an offence:

- for a person of any age to smoke in a private vehicle carrying someone under 18
- for a driver (including a provisional driver) not to stop someone smoking in these circumstances

Penalties

The fixed penalty notice fine for both offences is £50. Somebody who commits both offences could get two fines. Private vehicles must be carrying more than one person to be smokefree so somebody who is 17 and smoking alone in a private vehicle won't be committing an offence.

What is 'an enclosed vehicle'?

The legislation covers any private vehicle enclosed wholly or partly by a roof. A convertible car, or coupe, with the roof completely down and stowed is not enclosed and so isn't covered by the legislation. But a vehicle with a sunroof open is still enclosed and so is covered by the legislation. Sitting in the open doorway of an enclosed vehicle is covered by the legislation. The rules apply to motorhomes, campervans and caravans when they are being used as a vehicle but don't apply when they are being used as accommodation.

The rules don't apply to:

- boats, ships and aircraft as they have their own rules
- work vehicles and public transport already which are covered by smokefree legislation

Definition

The definition of smoking is set out in Section 1(2) of the Health Act 2006:

- (a) “smoking” refers to smoking tobacco or anything which contains tobacco, or smoking any other substance

It follows therefore that smoking includes the use of cigarettes, cigars and pipes, including waterpipes (shisha) as well as the use of herbal substances.

Enforcement

Enforcement of the new law will largely be by police officers who already monitor for a number of other offences committed in moving vehicles, such as the wearing of seat belts, and use of child safety seats and mobile phones. Officers will use their discretion to decide whether to issue a warning or a fixed penalty notice, or whether to refer an offence to court. Local authority enforcement officers will also support securing compliance with the legislation.

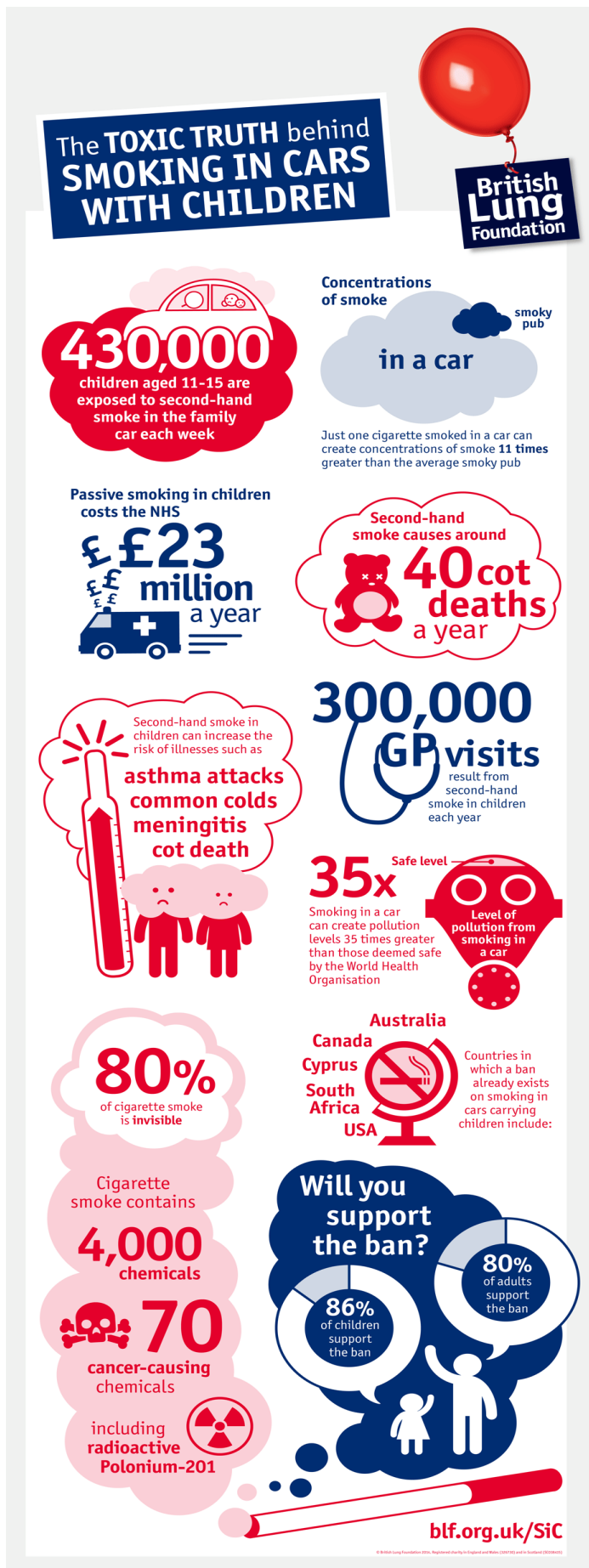
Education and publicity campaigns

Evidence suggests that educational campaigns together with legislation can be very effective in changing behaviour. For example, the law on seat belt use in the UK was successfully supported by ‘clunk, click every trip’ adverts. After the legislation was implemented seatbelt wearing rates increased in the UK from 25% to 91%.ⁱ In the run-up to the smokefree cars law start date of 1 October the Department of Health (DH) will be running a publicity campaign to highlight the changes. A short animation you can share on social media channels is now available at <https://www.facebook.com/DHpublichealth> or via <https://youtu.be/5jB9zSTlwwY>

The Department of Health has confirmed that the success of the new legislation will be measured in positive behaviour change rather than the number of fines given out.ⁱⁱ

Support for smokefree cars

In February 2015 MPs passed the legislation as part of the Children and Families Act by an overwhelming majority of 342 to 74. This follows campaign activity by Lancashire County Council, Blackburn with Darwen Council, Blackpool Council, the British Lung Foundation (BLF), Tobacco Free Futures (TFF) and wider members of the Smokefree Action Coalition



calling on parliamentarians to vote in favour of the regulations. There has also been growing support among parents and children:

- A poll in March 2014 by YouGov for ASH found that 77% of all adults, including 64% of smokers, agreed that smoking should be prohibited in cars carrying under 18sⁱⁱⁱ
- In a BLF survey in 2011, 86% of children said that they wanted action to be taken to protect them from cigarette smoke when they are in the car.^{iv}

Why are the regulations needed?

Children are particularly vulnerable to secondhand smoke; they have smaller lungs, faster breathing and less developed immune systems, which make them more susceptible to respiratory and ear infections triggered by passive smoking.^v This new law is not designed to turn smokers into criminals, but it is about protecting children from the avoidable dangers that tobacco smoke presents to their health and well-being.

Smoking near children can cause a range of respiratory illnesses such as asthma, bronchitis and reduced lung function. Passive smoking results in more than 165,000 new episodes of disease of all types among children, 300,000 primary care consultations, 9,500 hospital admissions and around 40 sudden infant deaths each year.

In a 2010 survey of children aged 11 to 15, around one child in five reported often being exposed to secondhand smoke in cars.^{vi} Based on results from a 2012 survey of over 7,000 children aged 11-15, the BLF calculated that around 185,000 children are exposed to cigarette smoke in their family cars 'every day or on most days', while around 430,000 children travel in smoky cars at least once a week.^{vii}

Research has shown that a single cigarette smoked in a moving car with the window half open exposes a child in the centre of the back seat to around two thirds as much secondhand smoke as in an average smoke-filled pub. Levels increase to over eleven times those of a smoky pub when the cigarette is smoked in a stationary car with the windows closed.^{viii}

Although members of the public are protected by smokefree legislation in public transport and in work vehicles, large numbers of children remain exposed to high concentrations of secondhand smoke when confined in family cars.

Financial impacts of the new regulations

The Department of Health estimates that the law will produce a net benefit of between £30-£60 million over the ten years from its introduction. These large savings are based on reducing children's ill-health and use of NHS services due to secondhand smoke exposure.^{ix}

What's happening in Lancashire?

During September 2015 TFF is working with Lancashire County Council, Blackburn with Darwen Council and Blackpool Council to increase public awareness of the upcoming change in the law, promote the dangers of smoking in cars and highlight local support for the measure. This includes featuring local case studies of people who are supportive via Lancashire media and through social networking channels, as well as promoting a short video to parents online that enforces the campaign messages. For more information contact ian.white@tobaccofreefutures.org or call 0161 238 6385.

References

- ⁱ P.21, *Seat-belts and child restraints*. World Health Organisation/ FIA Foundation, 2009
- ⁱⁱ Paragraph 32, *Smokefree (Private Vehicles) Regulations 2014: Impact assessment*, Department of Health, July 2014.
- ⁱⁱⁱ YouGov 2014. Total sample size was 12269 adults. Fieldwork was undertaken 5-14 March 2014. The survey was carried out online. The figures have been weighted and are representative of all GB adults (aged 18+).
- ^{iv} BLF/ TNS survey of more than 1,000 children aged 8-15, conducted 20-27 January 2011
- ^v *Annual report of the Chief Medical Officer 2002*. Department of Health, 2003
- ^{vi} 19% in survey of 6971 boys and girls aged 11-15. *Smoking, drinking and drug use among young people in England in 2010*. NHS Information Centre, 2010
- ^{vii} Data sources for prevalence stats: *Smoking, Drinking and Drug Use Among Young People in England (2012)*. Table 2.12 shows the frequency of exposure to secondhand smoke in the last year, by age, for all pupils, excluding those who stated 'don't know'. Six per cent of pupils aged between 11 and 15 said that they were exposed to secondhand smoke in their family car every day or most days. An additional eight per cent of pupils aged between 11 and 15 said that they were exposed to secondhand smoke in their family car once or twice a week. Applying these data to *Office for National Statistics Mid-2012 Population Estimates for England* data on the overall population size for children aged 11-15, provides the figures of children who are exposed to secondhand smoke in their family cars most days and at least once a week.
- ^{viii} Sendzik, Fong, Travers, Hyland, *An experimental investigation of tobacco smoke pollution in cars*, *Nicotine Tob Res*, 2009; 11(6):627-34
- ^{ix} Page 3, *Smokefree (Private Vehicles) Regulations 2014: Impact assessment*, Department of Health, July 2014.