

These notes relate to the Smoking Prohibition (Children in Motor Vehicles) (Scotland) Act 2016 (asp 3) which received Royal Assent on 21 January 2016

SMOKING PROHIBITION (CHILDREN IN MOTOR VEHICLES) (SCOTLAND) ACT 2016

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

The structure of the Act

Section 3 – Powers to enter and require information

10. **Section 3** empowers an authorised officer of a local authority to enter and search a parked private motor vehicle within the area of the local authority in order to check whether an offence under section 1 has been or is being committed. Subsection (2) makes it an offence for an individual, reasonably believed by an authorised officer of a local authority to have committed an offence under section 1 or to have information relating to such an offence, to fail without reasonable excuse to provide their name and address when requested to do so by that officer. The penalty for an offence committed under subsection (2) is a fine not exceeding level 3 on the standard scale.