| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 25-0039Responded to: 04 March 2025 |
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Your recent request for information is replicated below, together with our response.

**I am submitting an FOI request for the following information relating to smoking in cars. Please return data broken down and split annually from 1st January 2015 to 31st December 2024.**

1. **How many fines and fixed penalty notices has your force issued under the Children and Families Act 2014 for smoking in a private vehicle with children (under 18 years old) present?**
2. **How many incidents and warnings under the Children and Families Act 2014 for smoking in a private vehicle with children (under 18 years old) present has your force identified?**

In relation to Direct Measures (Fixed Penalty Notices (FPNs) and Recorded Police Warnings (RPWs)), the information sought is not held by Police Scotland and section 17 of the Act therefore applies. By way of explanation, this offence is not one for which a Direct Measure can be applied. - [Lord Advocate's guidelines on police direct measures | COPFS](https://www.copfs.gov.uk/publications/lord-advocate-s-guidelines-on-the-use-of-the-police-direct-measures-for-adult-offenders/html/#eligible-offences).

In relation to incidents, there is no incident classification that directly aligns to your request and all potentially relevant incidents would therefore have to be individually reviewed - tens of thousands for the period. Unfortunately, therefore, I estimate that it would cost well in excess of the current FOI cost threshold of £600 to process your request and I am therefore refusing to comply with it in terms of section 12(1) - Excessive Cost of Compliance.

I can, however, provide recorded crime data for the offence smoking in car with child.
The offence was implemented on 5 December 2016, therefore information for the period prior is not held by Police Scotland and section 17 of the Act, again applies.

*Recorded Crime - Smoking in car with child - 5 December 2016 - 31 December 2024 (calendar years)*

| **Year** | **Crime/ Offence - Smoking in car with child** |
| --- | --- |
| 2016 | 0 |
| 2017 | 3 |
| 2018 | 3 |
| 2019 | 1 |
| 2020 | 2 |
| 2021 | 0 |
| 2022 | 3 |
| 2023 | 4 |
| 2024 | 1 |

*All statistics are provisional and should be treated as management information.
Data was extracted from Police Scotland systems and are correct as at 11 February 2025.
Data was extracted using the crime's raised date and by using SGJD code 605014.
This offence was not implemented until 5th December 2016.*

If you require any further assistance, please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by email or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](https://www.foi.scot/appeal), by email or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.