



Smoking Prohibition (Children in Motor Vehicles) (Scotland) Act 2016

2016 asp 3

4 Interpretation

(1) In this Act—

“adult” means a person aged 18 or over,

“car” means a motor vehicle which is not—

(a) a goods vehicle, or

(b) a vehicle of a type not commonly used as a private vehicle and unsuitable to be so used,

“child” means a person under the age of 18,

“motor cycle” means a mechanically propelled vehicle which is steered by means of handlebars attached to the front wheel,

“motor vehicle” means a mechanically propelled vehicle, other than a motor cycle, that is intended or adapted for use on roads,

“private hire car” has the meaning given by section 23(1) of the Civic Government (Scotland) Act 1982,

“private motor vehicle” means—

(a) any car which is not a public transportation vehicle, and

(b) any other motor vehicle which is used primarily for the private purposes of the person who owns it or of a person having the right to use it, provided that such right to use a vehicle does not include a reference to a person whose right to use the vehicle derives only from having paid, or undertaken to pay, for the use of the vehicle and its driver,

“public place” means a place to which the public, or a section of the public, has access whether on payment or otherwise,

“public transportation vehicle” means any vehicle available to the public as a means of transportation and includes a taxi and a private hire car,

“taxi” has the meaning given by section 23(1) of the Civic Government (Scotland) Act 1982.

(2) In this Act, “to smoke” means to smoke tobacco, any substance or mixture which includes it or any other substance or mixture; and a person is to be taken as smoking if the person is holding or otherwise in possession or control of lit tobacco, of any lit

substance or mixture which includes tobacco or of any other lit substance or mixture which is in a form or in a receptacle in which it can be smoked.

- (3) The Scottish Ministers may by regulations alter any of the following definitions in subsection (1)—
- “car”,
 - “private motor vehicle”,
 - “public transportation vehicle”.