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SCOTTISH STATUTORY INSTRUMENTS

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**2017 No. 51**

**PUBLIC HEALTH**

**The Sale of Tobacco (Register of Tobacco Retailers) (Scotland) Amendment Regulations 2017**

*Made* - - - - 23rd February 2017  
*Laid before the Scottish Parliament* - - - - 27th February 2017  
*Coming into force* - - 1st April 2017

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 11(2)(d) and 19(5) of the Tobacco and Primary Medical Services (Scotland) Act 2010<sup>(1)</sup> and all other powers enabling them to do so.

**Citation and commencement**

1. These Regulations may be cited as the Sale of Tobacco (Register of Tobacco Retailers) (Scotland) Amendment Regulations 2017 and come into force on 1st April 2017.

**Amendment of the Sale of Tobacco (Register of Tobacco Retailers) Regulations 2010**

2.—(1) The Sale of Tobacco (Register of Tobacco Retailers) Regulations 2010<sup>(2)</sup> are amended as follows.

(2) In regulation 3 (other information to be contained in an application to be registered or to add further premises to an entry in the Register), in paragraph (b) after “tobacco” insert “or nicotine vapour product”.

(3) For the schedule, substitute the schedule set out in the schedule of these Regulations.

St Andrew’s House, Edinburgh  
23rd February 2017

*AILEEN CAMPBELL*  
Authorised to sign by the Scottish Ministers

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(1) [2010 asp 3](#). Sections 11 and 19 were amended by sections 9(1) and 10(5), respectively, of the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act [2016 \(asp 14\)](#).  
(2) [S.S.I. 2010/407](#). Regulation 3(d) was amended by [S.S.I. 2011/132](#), regulation 4.

SCHEDULE

Regulation 2(3)

“SCHEDULE

Regulation 4(3)

### **Tobacco and Nicotine Vapour Product Banning Order Notice**

These premises have been specified in an order made under section 15 of the Tobacco and Primary Medical Services (Scotland) Act 2010.

[Insert name and address of person against whom the banning order has been made] is banned from carrying on [a tobacco business] [and] [a nicotine vapour product business]\* at these premises for a period of [insert period for which banning order has effect] from [insert date banning order was made].

(\*delete as appropriate)”

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### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Sale of Tobacco (Register of Tobacco Retailers) Regulations 2010 (“the 2010 Regulations”) to include provision for the registration of retailers of nicotine vapour products.

Section 10 of the Tobacco and Primary Medical Services (Scotland) Act 2010 (“the 2010 Act”) requires the Scottish Ministers to keep a register of persons carrying on a tobacco business. Section 10 was amended by the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 (“the 2016 Act”) to include persons carrying on a nicotine vapour product business. Section 11(2) of the 2010 Act prescribes the information which must be contained in an application to register or to add premises to the person’s existing entry in the register. The 2010 Regulations prescribe other information which must be contained in the application. These Regulations amend regulation 3 of the 2010 Regulations to include a reference to nicotine vapour product businesses.

Sections 15 to 19 of the 2010 Act make provision regarding tobacco retailing banning orders. Those provisions are amended by the 2016 Act to include nicotine vapour product banning orders. Section 19 makes provision about the display of notices stating that a banning order is in effect. These Regulations amend the 2010 Regulations and the wording of the banning notice by substituting a new schedule (which prescribes the wording of that notice) to include a reference to nicotine vapour products.