



Public Health (Wales) Act 2017

2017 anaw 2

PART 3

TOBACCO AND NICOTINE PRODUCTS

CHAPTER 2

RETAILERS OF TOBACCO AND NICOTINE PRODUCTS

PROSPECTIVE

Register of retailers of tobacco and nicotine products

30 Duty to maintain register of retailers of tobacco and nicotine products

- (1) The registration authority must maintain a register of persons carrying on a tobacco or nicotine business at premises in Wales (“the register”).
- (2) The registration authority for this purpose is a person specified as such in regulations.
- (3) For the purposes of this Chapter “tobacco or nicotine business” means a business involving the sale by retail of tobacco or cigarette papers or nicotine products.
- (4) Each entry in the register in respect of a person carrying on a tobacco or nicotine business in Wales must state—
 - (a) the person's name and address;
 - (b) the address of each of the premises at which a tobacco or nicotine business is carried on by that person;
 - (c) whether the person is selling—
 - (i) tobacco or cigarette papers,
 - (ii) nicotine products, or
 - (iii) any combination of those items,

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- at those premises;
- (d) in the case of premises consisting of a moveable structure, a stall, a tent or a vehicle, the name of each local authority in whose area the business is carried on.
- (5) For the purpose of subsection (4)(a), a person's name and address is—
- (a) in the case of an individual—
- (i) the individual's name and, if different, the individual's trading name, and
- (ii) the address of the individual's usual place of residence;
- (b) in the case of a company—
- (i) its name and, if different, its trading name, and
- (ii) the address of its registered office;
- (c) in the case of a partnership other than a limited liability partnership—
- (i) the name of each partner and, if different, the partnership's trading name, and
- (ii) the address of each partner's usual place of residence;
- (d) in the case of a limited liability partnership—
- (i) its registered name and, if different, its trading name, and
- (ii) the address of its registered office.
- (6) The register may include any other information that is information of a description required, by regulations under section 31(3)(b), to be included in an application for registration.
- (7) For the purposes of this Chapter—
- (a) a person is registered if the person's name is entered in the register, and other related expressions are to be construed accordingly;
- (b) references to a person's entry in the register are to the entry relating to that person in the register.
- (8) Regulations under subsection (2) may specify the Welsh Ministers as the registration authority.
- (9) In the case of premises consisting of a moveable structure, a stall, a tent or a vehicle, the address to be entered in the register in accordance with subsection (4)(a) is to be treated as the address of the premises for the purpose of subsection (4)(b).

31 Application for entry in the register

- (1) An application may be made to the registration authority—
- (a) for a person to be registered in respect of the carrying on of a tobacco or nicotine business, or
- (b) if the applicant is already a registered person—
- (i) to add further premises to the person's entry in the register, or
- (ii) in the case of premises consisting of a moveable structure, a stall, a tent or a vehicle, to add another local authority to the person's entry in the register.
- (2) An application under subsection (1) must—
- (a) state the applicant's name and address (for which see section 30(5));

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- (b) if the application is made under subsection (1)(a), state the address of each of the premises at which the applicant proposes to carry on a tobacco or nicotine business;
 - (c) if the application is made under subsection (1)(b)(i), state the address of each of the further premises at which the applicant proposes to carry on a tobacco or nicotine business;
 - (d) state whether the applicant proposes to sell—
 - (i) tobacco or cigarette papers,
 - (ii) nicotine products, or
 - (iii) any combination of those items,at the premises stated in accordance with paragraph (b) or (c);
 - (e) state whether the applicant proposes to carry on business in a way that involves the making of arrangements for tobacco, cigarette papers or nicotine products—
 - (i) to be delivered to premises in Wales, or
 - (ii) following a sale effected by telephone, the internet or other kind of electronic or other technology, to be collected from premises in Wales;
 - (f) in the case of premises consisting of a moveable structure, a stall, a tent or a vehicle—
 - (i) if the application is made under subsection (1)(a), state the name of each local authority in whose area the applicant proposes to carry on the tobacco or nicotine business, and
 - (ii) if the application is made under subsection (1)(b)(ii), state the name of each additional local authority in whose area the applicant proposes to carry on a tobacco or nicotine business.
- (3) Regulations may make provision—
- (a) about the form of an application under subsection (1) and the way in which it is to be made;
 - (b) about other information that is to be included in an application (including, in the case of an application by a person who proposes to carry on a tobacco or nicotine business as described in subsection (2)(e), information relating to the nature of the arrangements concerned);
 - (c) requiring payment of a fee to accompany an application under subsection (1) (a) or (1)(b)(i).
- (4) Before making regulations under this section, the Welsh Ministers must—
- (a) consider whether there are persons who appear to be representative of the interests of those likely to be affected by the regulations (“representative persons”), and
 - (b) carry out consultation with any representative persons whom the Welsh Ministers consider it appropriate to consult.
- (5) If the premises at which the applicant proposes to carry on a tobacco or nicotine business consist of a moveable structure, a stall, a tent or a vehicle, the address stated in the application in accordance with subsection (2)(a) is to be stated as the address of the premises for the purpose of subsection (2)(b) and (c).

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32 Grant of application

- (1) The registration authority must grant an application made under section 31 unless subsection (2) or (3) applies.
- (2) The registration authority must not grant the application in so far as it relates to premises specified in the application in respect of which a restricted premises order made under section 12A of the Children and Young Persons Act 1933 (c.12) has effect.
- (3) The registration authority must not grant the application if a restricted sale order made under section 12B of the Children and Young Persons Act 1933 (c.12) has effect in respect of the applicant.
- (4) On granting an application made under section 31, the registration authority must make the appropriate entry or amendment to an entry in the register.

33 Duty to give notice of certain changes

- (1) A registered person must give the registration authority notice of any of the following matters—
 - (a) any change in the person's name or address from that stated in the register in accordance with section 30(4)(a);
 - (b) any change in what the person is selling from that stated in the person's entry in the register in accordance with section 30(4)(c);
 - (c) if the person stops carrying on a tobacco or nicotine business at premises stated in the person's entry in the register;
 - (d) in the case of a tobacco or nicotine business carried on from premises consisting of a moveable structure, a stall, a tent or a vehicle, if the person stops carrying on the business in the area of a local authority stated in the person's entry in the register.
- (2) A person stops carrying on a business for the purpose of subsection (1)(c) or (d) when that person stops doing so for a continuous period of no less than 28 days.
- (3) The notification referred to in subsection (1) must be given within a period of 28 days beginning with whichever of the following is applicable—
 - (a) the date of the change referred to in subsection (1)(a) or (b);
 - (b) the date on which the registered person stops carrying on the business at the premises in question or in the area of the local authority in question.
- (4) If a local authority becomes aware of any of the matters referred to in subsection (1) (a) to (d) in respect of a registered person carrying on a tobacco or nicotine business in its area, the local authority must give notice to the registration authority of that matter.

34 Duty to revise the register

- (1) The registration authority must revise the register—
 - (a) on receiving notice under section 33, to reflect the notice;
 - (b) to correct any inaccuracies in the register of which it becomes aware otherwise than by receiving notice under section 33.
- (2) But if the registration authority proposes to revise the register by amending or removing a person's entry, it must give notice of the proposed revision to the person.

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- (3) The notice must give reasons for the proposed revision.
- (4) The registration authority must not amend or remove a person's entry in the register if the authority is satisfied, on the basis of information provided by the person to the authority within the period mentioned in subsection (5), that the person's entry is accurate.
- (5) The period is the period of 28 days beginning with the date of the notice given under subsection (2).
- (6) Regulations may provide for the registration authority to charge a fee in connection with revising the register under this section.

35 Access to the register

- (1) The registration authority must publish a list that sets out the name of each registered person and the address of each of the premises stated in the person's entry in the register as being premises at which a tobacco or nicotine business is carried on.
- (2) But in respect of a registered person carrying on a tobacco or nicotine business at premises consisting of a moveable structure, a stall, a tent or a vehicle, the list published under subsection (1) must, instead of the address of the premises, set out the name of each local authority stated in the person's entry in the register.
- (3) The registration authority must also make available to a local authority all other information contained in the register in so far as it relates to premises in the authority's area.

36 Excepted premises

The provisions of this Chapter do not apply in relation to a tobacco or nicotine business so far as carried on at premises of a description specified in regulations.

37 Moveable structures etc.

Regulations may provide for the application of this Chapter in relation to premises consisting of a moveable structure, a stall, a tent or a vehicle to be subject to such modifications as the Welsh Ministers consider necessary or expedient.

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2017/949, art. 3 by [S.I. 2017/967 art. 2](#)