

Status: This version of this provision is prospective.

Changes to legislation: Public Health (Wales) Act 2017, Section 31 is up to date with all changes known to be in force on or before 03 September 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes



Public Health (Wales) Act 2017

2017 anaw 2

PART 3

TOBACCO AND NICOTINE PRODUCTS

CHAPTER 2

RETAILERS OF TOBACCO AND NICOTINE PRODUCTS

Register of retailers of tobacco and nicotine products

PROSPECTIVE

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));
 - (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;

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- (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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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](#)