

Draft Regulations laid before the Scottish Parliament under section 40(4) of the Tobacco and Primary Medical Services (Scotland) Act 2010 for approval by resolution of the Scottish Parliament

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2017 No.

PUBLIC HEALTH

The Sale of Tobacco (Registration of Moveable Structures and Fixed Penalty Notices) (Scotland) Amendment Regulations 2017

<i>Made</i>	- - - -	<i>2017</i>
<i>Coming into force</i>	- -	<i>2017</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 24 of the Tobacco and Primary Medical Services (Scotland) Act 2010⁽¹⁾ and all other powers enabling them to do so.

In accordance with section 40(4) of that Act a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. These Regulations may be cited as the Sale of Tobacco (Registration of Moveable Structures and Fixed Penalty Notices) (Scotland) Amendment Regulations 2017 and come into force on 1st April 2017.

Amendment of the Sale of Tobacco (Registration of Moveable Structures and Fixed Penalty Notices) (Scotland) Regulations 2011

2.—(1) The Sale of Tobacco (Registration of Moveable Structures and Fixed Penalty Notices) (Scotland) Regulations 2011⁽²⁾ are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation) in the definition of “moveable premises” after “tobacco” insert “or nicotine vapour product”.

(3) In regulation 3 (application of chapter 2 of the Act to vehicles and other moveable structures) after “tobacco” in each place where it occurs insert “or nicotine vapour product”.

(1) [2010 asp 3](#). The Act is prospectively amended by the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 ([asp 14](#)).
(2) [S.S.I. 2011/23](#).

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: *The Sale of Tobacco (Registration of Moveable Structures and Fixed Penalty Notices) (Scotland) Amendment Regulations 2017 No. 70*

St Andrew's House,
Edinburgh
Date

Name
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Sale of Tobacco (Registration of Moveable Structures and Fixed Penalty Notices) (Scotland) Regulations 2011 (“the principal Regulations”) to include provision for nicotine vapour products. They amend the definition of “moveable premises” to include businesses which sell nicotine vapour products by retail.

The principal Regulations make provision for the application of chapter 2 of Part 1 (Register of Tobacco Retailers) of the Tobacco and Primary Medical Services (Scotland) Act 2010 (“the Act”) to moveable structures. They also make provision in relation to the fixed penalty notice scheme under section 27 and schedule 1 of the Act.

Regulation 3 of the principal Regulations modifies section 11 of the Act in respect of the application for registration for businesses carried on from moveable premises. These Regulations amend the principal Regulations to include nicotine vapour product businesses in those modified provisions.