

2017 No. 422

PUBLIC HEALTH

**The Sale of Nicotine Vapour Products (Vending Machines)
(Scotland) Regulations 2017**

Made - - - - 28th November 2017
Laid before the Scottish Parliament 30th November 2017
Coming into force - - 25th January 2018

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 7(1) of the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016^(a) and all other powers enabling them to do so.

Citation, commencement and interpretation

1. These Regulations may be cited as the Sale of Nicotine Vapour Products (Vending Machines) (Scotland) Regulations 2017 and come into force on 25th January 2018.

Amendment of section 9(3) of the Tobacco and Primary Medical Services (Scotland) Act 2010

2. In section 9(3) of the Tobacco and Primary Medical Services (Scotland) Act 2010^(b) (prohibition of vending machines for the sale of tobacco products) after “tobacco” insert “or nicotine vapour”^(c).

AILEEN CAMPBELL

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
28th November 2017

(a) 2016 asp 14.
(b) 2010 asp 3. Section 9 was repealed and re-enacted by S.S.I. 2013/106.
(c) “Nicotine vapour product” is defined in section 35A of the Tobacco and Primary Medical Services (Scotland) Act 2010 which was inserted by the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016, section 1.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the definition of “vending machine” in section 9 of the Tobacco and Primary Medical Services (Scotland) Act 2010 (“the Act”) to include nicotine vapour products.

Vending machines for the sale of tobacco products are prohibited by virtue of section 9 of the Act. These Regulations amend section 9 to include vending machines for nicotine vapour products. A person who has the management or control of premises on which such a vending machine is available for use commits an offence. A person found guilty of that offence is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

These Regulations were notified in draft to the European Commission in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council (OJ L 241, 17.9.2015, p.1) which lays down a procedure for the provision of information in the field of technical regulations and rules on Information Society Services.

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