

POLICY NOTE

The Sale of Tobacco (Register of Tobacco Retailers) (Scotland)

Amendment Regulations 2017

SSI 2017/51

1. The above instrument is made by the Scottish Ministers in exercise of the powers conferred by sections 11(2)(d) and 19(5) of the Tobacco and Primary Medical Services (Scotland) Act 2010 (“the 2010 Act”). The instrument is subject to negative procedure.

Policy Objectives

2. The Sale of Tobacco (Register of Tobacco Retailers) (Scotland) Amendment Regulations 2017 (“the 2017 Regulations”) are necessary to help bring the changes made to the 2010 Act through the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 (“the 2016 Act”) fully into effect. Section 10 of the 2010 Act requires a register of persons carrying on a tobacco business to be maintained. That requirement now extends to persons carrying on a nicotine vapour product business following the amendments made by the 2016 Act. Section 11 of the 2010 Act (as amended) prescribes the information that must be provided by retailers of tobacco or nicotine vapour products in their applications for registration and to add premises to existing entries in the register. Sections 15 to 19 of the 2010 Act make provision regarding the issue and application for banning orders which ban a person from carrying on a tobacco or nicotine vapour product business. Section 19 requires a notice to be displayed where premises have been specified in a banning order. The 2010 Act is amended by the 2016 Act so that banning orders may be made in respect of the carrying on of nicotine vapour product businesses.

3. The Sale of Tobacco (Register of Tobacco Retailers) Regulations 2010 (“the 2010 Regulations”) prescribe the additional information which must be provided in the application for registration under section 11 of the 2010 Act. The 2017 Regulations amend the 2010 Regulations to include nicotine vapour products as businesses selling those products which will be covered by the registration requirements in the 2010 Act.

4. The 2010 Regulations specify the requirements for a banning notice. These Regulations amend the 2010 Regulations to include reference to nicotine vapour product business in the wording of such notices.

Consultation

5. A full public consultation was carried out prior to the introduction of the Health (Tobacco, Nicotine etc. and Care) (Scotland) Bill. Responses were received from

academic, industry and public health groups as well as from concerned individuals, members of the public and retailers. On the need to register premises of nicotine vapour product retailers, 65% of respondents agreed there was a need to register. On that basis it was decided to proceed with the proposals in the Bill.

Impact Assessment

6. The Bill for the 2016 Act was subject to a full range of impact assessments, including a Business and Regulation Impact Assessment. Those assessments concluded that this policy will have minimum impact on retailers.

Financial Effects

7. The regulations on the steps which a nicotine vapour product retailer should follow to be included on the new Register of Tobacco and Nicotine Vapour Products mirror those for retailers of tobacco products. As there is no cost to retailers for registration this policy will not add a financial burden on them. Additional resources have been made available to local authorities to enforce the new regulations.

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