STATUTORY INSTRUMENTS

2016 No. 507

The Tobacco and Related Products Regulations 2016

PART 6

Electronic cigarettes

Action to protect human health

40.—(1) This regulation applies where the Secretary of State has reasonable grounds to believe that an electronic cigarette or refill container, or a type of electronic cigarette or refill container, could present a serious risk to human health.

(2) The Secretary of State may take appropriate provisional measures to address the risk to human health.

(3) The measures that the Secretary of State may take include, but are not limited to—

(a) prohibiting the supply of the electronic cigarette or refill container, or the type of electronic cigarette or refill container;

(b) requiring each supplier of the electronic cigarette or refill container, or the type of electronic cigarette or refill container, to recall the product.

(4) **[**[F1]Where the matter relates to an NI related product,**]** the Secretary of State may take appropriate follow-up measures to implement any conclusions of the European Commission in relation to the matter.

(5) Any producer or supplier of a product that is the subject of a provisional measure or a follow-up measure must comply with the measure insofar as it applies to that producer or supplier.

Textual Amendments

F1 Words in reg. 40(4) inserted (31.12.2020) by S.I. 2019/41, **reg. 6(25)** (as substituted by The Tobacco Products and Nicotine Inhaling Products (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1316), regs. 1(3), **3(30)** (with reg. 5))

Changes to legislation:
There are currently no known outstanding effects for the The Tobacco and Related Products Regulations 2016, Section 40.