



Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016

2016 asp 14

PART 1

TOBACCO, NICOTINE VAPOUR PRODUCTS AND SMOKING

CHAPTER 1

SALE AND PURCHASE OF TOBACCO AND NICOTINE VAPOUR PRODUCTS

Register of tobacco and nicotine vapour product retailers

9 Registration and changes to the Register

(1) In section 11 of the 2010 Act (application for registration and addition of premises etc.)—

- (a) in subsection (2), after “tobacco”, in both places where it occurs, insert “ or nicotine vapour product ”,
- (b) after subsection (2) insert—

“(2A) An application under subsection (1) must state, in relation to each of the premises included in it, whether the applicant proposes to carry on—

- (a) a tobacco business at the premises,
 - (b) a nicotine vapour product business at the premises, or
 - (c) both a tobacco business and a nicotine vapour product business at the premises.”
- (c) in subsection (3)(b), for “retailing banning order, from carrying on a tobacco” substitute “ and nicotine vapour product banning order from carrying on a tobacco or nicotine vapour product ”,
 - (d) in subsection (4)(b), for “business” substitute “or nicotine vapour product business, noting, in relation to each of the premises, whether the applicant proposes to carry on—

Changes to legislation: There are currently no known outstanding effects for the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016, Section 9. (See end of Document for details)

- (i) a tobacco business at the premises,
- (ii) a nicotine vapour product business at the premises, or
- (iii) both a tobacco business and a nicotine vapour product business at the premises”, and
- (e) in subsection (5), for “business” substitute “or nicotine vapour product business, noting, in relation to each of the premises, whether the applicant proposes to carry on—
 - (a) a tobacco business at the premises,
 - (b) a nicotine vapour product business at the premises, or
 - (c) both a tobacco business and a nicotine vapour product business at the premises”.
- (2) In section 12 of the 2010 Act (certificates of registration)—
 - (a) the existing text becomes subsection (1), and
 - (b) after that subsection, insert—
 - “(2) A certificate issued under subsection (1) must state whether the premises are noted in the applicant's entry in the Register as premises at which the person carries on—
 - (a) a tobacco business,
 - (b) a nicotine vapour product business, or
 - (c) both a tobacco business and a nicotine vapour product business.”.
- (3) In section 13(1) of the 2010 Act (duty to notify certain changes), after paragraph (b) insert—
 - “(c) the fact that the person is no longer carrying on a nicotine vapour product business at an address noted in the person's entry in the Register.”.
- (4) In section 14 of the 2010 Act (changes to and removal from Register)—
 - (a) in subsection (2), for “retailing” substitute “ and nicotine vapour product ”,
 - (b) in subsection (3)(b), after “tobacco” insert “ or nicotine vapour product ”, and
 - (c) in subsection (5)(b), after “tobacco” insert “ or nicotine vapour product ”.

Commencement Information

- I1** S. 9(1) in force at 6.2.2017 for specified purposes by [S.S.I. 2017/12, reg. 2, sch.](#)
- I2** S. 9(1) in force at 1.4.2017 in so far as not already in force by [S.S.I. 2017/12, reg. 2, sch.](#)
- I3** S. 9(2)-(4) in force at 1.4.2017 by [S.S.I. 2017/12, reg. 2, sch.](#)

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