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—

(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".