
DRAFT STATUTORY INSTRUMENTS

2020 No.

**The Tobacco Products and Nicotine Inhaling
Products (Amendment) (EU Exit) Regulations 2020**

**Amendment of the Tobacco Products and Herbal Products for Smoking (Fees) Regulations
2017**

7.—(1) The Tobacco Products and Herbal Products for Smoking (Fees) Regulations 2017⁽¹⁾ are amended as follows.

(2) In regulation 1, after paragraph (2), insert—

“(3) For the purposes of these Regulations, the relevant areas are—

- (a) Great Britain (including the GB travel retail sector), and
- (b) Northern Ireland (including the NI travel retail sector).

(4) For the purposes of paragraph (3), “GB travel retail sector” and “NI travel retail sector” have the meanings given in the 2016 Regulations (see regulation 2 of those Regulations).”.

(3) In regulation 2, after paragraph (1), insert—

“(1A) But only one annual fee is payable in respect of a variant brand of cigarettes which—

- (a) is manufactured for supply in both of the relevant areas, or
- (b) is manufactured for supply otherwise than in the relevant areas.”.

(4) In regulation 3, after paragraph (2), insert—

“(2A) In addition, only one fee is payable where—

- (a) a producer—
 - (i) submits information in accordance with regulation 18(1) of the 2016 Regulations relating to the supply of a tobacco product in one of the relevant areas, and
 - (ii) submits information in accordance with that provision relating to the supply of the same tobacco product in the other relevant area;
- (b) a producer—
 - (i) submits a notification in accordance with regulation 22 of the 2016 Regulations relating to the supply of a novel tobacco product in one of the relevant areas, and
 - (ii) submits a notification in accordance with that provision relating to the supply of the same novel tobacco product in the other relevant area.”.

(5) In regulation 4—

- (a) after paragraph (1), insert—

- “(1A) But only one annual fee is payable for a product for which—
- (a) a submission has been made under regulation 18(1), or a notification has been submitted under regulation 22, of the 2016 Regulations relating to the supply of it in one of the relevant areas, and
 - (b) a submission has also been made, or notification has also been submitted, under either of those provisions relating to its supply in the other relevant area.”;
- (b) after paragraph (5), insert—
- “(6) But where a submission has been made under regulation 18(1), or a notification submitted under regulation 22, of the 2016 Regulations, relating to the supply of a product in both of the relevant areas, the annual fee ceases to be payable only if the Secretary of State is notified under regulation 18(5) of those Regulations that the product has been withdrawn from the market in Great Britain and from the market in Northern Ireland.”.
- (6) In regulation 5, after paragraph (1), insert—
- “(1A) But only one fee is payable where—
- (a) a submission is made under regulation 29(1) of the 2016 Regulations in relation to the supply of a product in one of the relevant areas, and
 - (b) a submission is also made under regulation 29(1) of the 2016 Regulations in relation to the supply of the same product in the other relevant area.”.
- (7) In regulation 6—
- (a) after paragraph (1), insert—
- “(1A) But only one annual fee is payable in respect of a product for which—
- (a) a submission has been made under regulation 29(1) of the 2016 Regulations in relation to the supply of a product in one of the relevant areas, and
 - (b) a submission has also been made under that regulation in relation to its supply in the other relevant area.”;
- (b) after paragraph (5), insert—
- “(6) But where a submission has been made under regulation 29(1) of the 2016 Regulations relating to the supply of a product in both of the relevant areas, the annual fee ceases to be payable only if the Secretary of State is notified that the product has been withdrawn from the market in Great Britain and from the market in Northern Ireland.”.