
STATUTORY INSTRUMENTS

2016 No. 1172

The Raw Tobacco (Approval Scheme) Regulations 2016

PART 2

APPROVAL SCHEME

Applications for approval

3.—(1) Where a person intends to carry out a controlled activity⁽¹⁾, that person must make an application to the Commissioners for approval in the prescribed form and manner and include the information prescribed.

(2) But an approval is not required where an exemption applies under Part 4.

Form and manner of applications

4.—(1) An application for approval must be made in writing.

(2) The Commissioners must prescribe—

- (a) subject to paragraph (1), the form and manner of an application; and
- (b) the information which must be provided with an application,

but may make different provision for different types of applicant or controlled activity.

(3) The Commissioners may prescribe that an application must be made electronically.

Additional information and inspection notices

5.—(1) In order to determine an application, the Commissioners may by notice (“an additional information notice”) request an applicant to provide additional information to that prescribed.

(2) An additional information notice must specify—

- (a) the additional information;
- (b) the form and manner by which it must be provided, which may be electronically; and
- (c) the date by which it must be provided to the Commissioners.

(3) In order to determine an application, the Commissioners may by notice (“an inspection notice”) request an applicant to allow the Commissioners to inspect any premises owned or occupied by the applicant which are premises at or from which the applicant intends to carry on a controlled activity.

(4) An inspection notice must specify—

- (a) the premises to be inspected; and
- (b) the date by which the Commissioners intend to carry out the inspection.

⁽¹⁾ Controlled activity is defined by section 8K(3) of the TPDA 1979.

(5) No inspection may be carried out other than with the applicant's permission and at a time agreed with the applicant.

(6) The Commissioners may by notice given to the applicant extend the date—

- (a) to comply with an additional information notice; or
- (b) to inspect premises further to an inspection notice.

(7) Where an applicant—

- (a) fails to comply with an additional information notice by the date for compliance; or
- (b) fails unreasonably to agree to an inspection by the date set out in an inspection notice,

the application is deemed to be withdrawn on that date.

Determination of applications

6.—(1) Where an application is deemed to be withdrawn by virtue of regulation 5(7), the Commissioners must give a notice to the applicant stating that the application has been treated as withdrawn.

(2) A notice under paragraph (1) must be given as soon as reasonably practicable after the date of deemed withdrawal.

(3) Except where paragraph (1) applies, the Commissioners must determine an application as soon as reasonably practicable after it has been received.

(4) Where an application is approved, the Commissioners must provide a written approval to the applicant.

(5) The approval must include—

- (a) a unique approval number;
- (b) the approved person's name and address and, in the case of a company, company registration number; and
- (c) details of each controlled activity which is approved and details of each premises at or from which the activity may be carried out.

(6) Where an approval is made subject to conditions or restrictions—

- (a) the approval must contain or refer to those conditions or restrictions; and
- (b) the Commissioners must give notice to the approved person which states that the review and appeal provisions apply in respect of the decision to impose conditions or restrictions.

(7) Where an application is refused, the Commissioners must give notice to the applicant which—

- (a) states that the application is refused;
- (b) provides reasons for the refusal; and
- (c) states that the review and appeal provisions apply in respect of the decision to refuse approval.

Approval: conditions and restrictions

7. The Commissioners may prescribe conditions or restrictions to which an approval is subject.