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STATUTORY INSTRUMENTS

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**2016 No. 1172**

**The Raw Tobacco (Approval Scheme) Regulations 2016**

**PART 3**

**REVOCATION, VARIATION, TRANSFER AND SURRENDER OF APPROVALS**

**Applications to vary, transfer or surrender approval**

**8.**—(1) An approved person may in respect of an approval provided to that person, apply to the Commissioners in writing to—

- (a) vary the terms of the approval;
- (b) transfer the approval; or
- (c) surrender the approval.

(2) But no application may be made to vary an approval if the variation is in respect of a matter which—

- (a) is subject to a review or appeal; or
- (b) was refused on review or appeal.

(3) The Commissioners may prescribe—

- (a) the form and manner of an application under paragraph (1); and
- (b) that an application must be made electronically.

(4) The Commissioners must determine an application as soon as reasonably practicable after it has been received.

**Reasonable cause to revoke or vary an approval**

**9.**—(1) The Commissioners may have reasonable cause to revoke or vary an approval where there is a failure to comply with the conditions or restrictions of the approval.

(2) The Commissioners may give a notice (“an investigation notice”) to an approved person which—

- (a) identifies the conditions or restrictions with which the Commissioners believe the approved person has failed to comply;
- (b) identifies how the approved person has failed to comply with those conditions or restrictions;
- (c) states that the approved person may make representations in writing to the Commissioners in respect of those conditions or restrictions; and
- (d) states the date by which any representations must be received by the Commissioners, being a date no earlier than 14 days after the date on which notice is given.

(3) The Commissioners may by notice given to the approved person extend the date to comply with an investigation notice.

(4) The Commissioners may have reasonable cause to revoke or vary an approval in respect of which an investigation notice has been given where the approved person fails to make representations by the date required.

### **Consideration of section 8L(2)**

**10.**—(1) The Commissioners must not agree to the variation or transfer of an approval unless by doing so they are satisfied that section 8L(2)(a) or (b) of TPDA 1979 is met in respect of the approval.

(2) The Commissioners must vary an approval as soon as practicable where, unless the variation is made, the Commissioners cannot be satisfied that section 8L(2)(a) or (b) of TPDA 1979 is met in respect of the approval.

### **Variation of approval**

**11.** Where the Commissioners vary, or agree to an application to vary, an approval, they must provide a notice to the approved person which—

- (a) identifies how the approval is varied;
- (b) specifies the date on and from which the variation has effect; and
- (c) states that the review and appeal provisions apply in respect of the decision to vary the terms of the approval.

### **Transfer of approval**

**12.** Where the Commissioners agree to the transfer of an approval, they must provide a notice to the transferor and transferee which—

- (a) specifies the date on and from which the transfer has effect; and
- (b) where—
  - (i) the conditions or restrictions of the approval are varied; or
  - (ii) new conditions or restrictions are imposed,

states that the review and appeal provisions apply in respect of the decision to impose conditions or restrictions on, or vary the terms of, the approval.

### **Surrender of approval**

**13.**—(1) Where the Commissioners agree to the surrender of an approval, they must provide a notice to the approved person which specifies the date on and from which the surrender has effect.

(2) The Commissioners may vary an approval for the period until the surrender has effect.

### **Revocation of approval**

**14.** Where the Commissioners revoke an approval, they must provide a notice to the approved person which—

- (a) specifies the date on and from which the revocation has effect; and
- (b) states that the review and appeal provisions apply in respect of the decision to revoke approval.

### **Refusal of an application**

**15.** Where an application to vary, transfer or surrender an approval is refused, the Commissioners must provide a notice to the approved person which—

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