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STATUTORY INSTRUMENTS

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**2016 No. 1172**

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

**PART 4**

**EXEMPTIONS FROM APPROVAL**

**Application of this Part**

16. This Part applies in respect of a controlled activity carried on on or after 1st April 2017.

**Waste**

17.—(1) Section 8L(1) of the TPDA 1979 does not apply to a person (“W”) who holds or transports waste raw tobacco solely in order to dispose of it permanently as waste, provided that W complies with conditions 1, 2 and 3.

(2) Condition 1 is that W must not carry on another controlled activity.

(3) Condition 2 is that W must not manufacture tobacco products.

(4) Condition 3 is that W must not hold or transport an amount of waste raw tobacco which exceeds 2kg.

(5) “Waste raw tobacco” means raw tobacco which derives from the cultivation of tobacco plants solely for horticultural purposes in the United Kingdom of plants of the *Nicotiana* genus.

**Raw tobacco stalks and stems**

18.—(1) Section 8L(1) of the TPDA 1979 does not apply to a person (“S”) who carries on any controlled activities in respect of raw tobacco stalks or stems, to which no leaves are attached, provided that S complies with conditions 1 and 2.

(2) Condition 1 is that S must not receive in single delivery an amount of raw tobacco stalks and stems which exceeds 2.5kg.

(3) Condition 2 is that S must not hold during any period of 12 months an amount of raw tobacco stalks and stems which exceeds 20kg.

**Transporters**

19.—(1) Section 8L(1) of the TPDA 1979 does not apply to a person (“T”) who transports raw tobacco provided that T complies with conditions 1, 2 and 3.

(2) Condition 1 is that T must not transport an amount of raw tobacco which exceeds an amount prescribed by the Commissioners in a single load.

(3) Condition 2 is that T must only deliver the raw tobacco to—

(a) an approved person; and

(b) to premises where that approved person is approved to hold raw tobacco.

(4) Condition 3 is that T must—

- (a) keep a record to demonstrate that conditions 1 and 2 are met;
- (b) ensure that a copy of that record is held by the person undertaking the transport throughout the period of transport; and
- (c) ensure that copy is produced to an officer on request.

(5) It is a requirement that T must preserve those records for a period of six years commencing with the date of the transport.

### **Snuff products**

**20.**—(1) Section 8L(1) of the TPDA 1979 does not apply to a person (“P”) who carries on any limited controlled activity involving a snuff product provided P complies with condition 1.

(2) Condition 1 is that where P carries on a limited controlled activity involving an amount of snuff product which exceeds 50g, P must ensure that the product is contained in packaging which meets the requirements under—

- (a) regulation 10 of the Standardised Packaging of Tobacco Products Regulations 2015<sup>(1)</sup>;
- (b) regulation 10 of the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002<sup>(2)</sup>; and
- (c) regulations 10 to 12 of the Tobacco and Related Products Regulations 2016<sup>(3)</sup>.

(3) In this regulation—

“limited controlled activity involving a snuff product” means any controlled activity except the manufacture or production of a snuff product;

“snuff product” means any pulverized tobacco in a finished state which is to be inhaled through the nostrils.

### **Record keeping and production**

**21.** It is a requirement that where an exempt person carries on a controlled activity under regulation 18 (stalks and stems) or 20 (snuff products), that person must—

- (a) keep the records relating to the controlled activity as set out in Schedule 1;
- (b) preserve those records for a period of six years commencing on the date that the relevant record is first held by that person; and
- (c) produce a copy of those records to an officer when required to do so.

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(1) [S.I. 2015/829](#).

(2) [S.I. 2002/3041](#) (“the 2002 Regulations”). The 2002 Regulations have been revoked by regulation 54 of [S.I. 2016/507](#) (“the 2016 Regulations”). However, under regulation 55 of the 2016 Regulations, regulation 10 (product identification markings) of the 2002 Regulations continues to have effect in relation to the code marking of tobacco products (which are not cigarettes or hand rolling tobacco), until 20 May 2024 despite the revocation of this provision.

(3) [S.I. 2016/507](#).