
STATUTORY INSTRUMENTS

2016 No. 507

The Tobacco and Related Products Regulations 2016

PART 8

Distance sales to consumers

Cross-border distance sales of tobacco products and electronic cigarettes etc ^[F1]: in and from Northern Ireland]

- 47.—(1) The following persons must register with the Secretary of State—
- (a) a retailer established in ^[F2]Northern Ireland] who engages or intends to engage in a cross-border distance sale of a relevant product with a consumer located in ^[F3]a] member State; and
 - (b) a retailer who is established elsewhere than in ^[F4]Northern Ireland] who engages or intends to engage in a cross-border distance sale of a relevant product with a consumer located in ^[F4]Northern Ireland].
- (2) A person seeking registration must submit to the Secretary of State—
- (a) the information specified in paragraph (3) (“the retailer information”);
 - (b) in the case of a retailer who falls within paragraph (1)(a), the information specified in paragraph (4) (“the additional information”); and
 - (c) such other information as the Secretary of State may reasonably require.
- (3) The retailer information is—
- (a) the retailer's name;
 - (b) the retailer's trading name, if different;
 - (c) the address of each place of business used by the retailer for the supply of a relevant product;
 - (d) the date on which the retailer first supplied or, if the retailer has not yet so supplied, intends to supply a relevant product via a cross border distance sale;
 - (e) the address of any website on which the retailer offers or intends to offer to supply a product, together with any other information required to identify the website; and
 - (f) a description of the details and functioning of the retailer's age verification system (see paragraph (6)(b)).
- (4) The additional information is—
- (a) confirmation of any registration provided by the competent authority of any member State in which the retailer is registered to supply products via a cross-border distance sale to a consumer located in that member State; and
 - (b) the name of ^[F5]any] member State to which the retailer has applied, or is intending to apply, for registration.

- (5) The Secretary of State must—
- (a) provide confirmation of registration to a retailer who complies with paragraph (2);
 - (b) publish a list of retailers registered with the Secretary of State.
- (6) A retailer must not supply a relevant product to a consumer via a cross-border distance sale unless—
- (a) the retailer has received confirmation of registration from the Secretary of State and from the competent authority of any member State in which the consumer is located or in which the retailer is established;
 - (b) the retailer operates an age verification system; and
 - (c) prior to, or at the time of sale, the retailer's age verification system confirms that the consumer's age is not lower than the minimum age applicable for the purchase of the product in the member State in which the consumer is located.
- (7) A retailer must not supply a relevant product via a cross-border distance sale to a consumer located in a member State in which cross border distances sales are prohibited in accordance with Article 18(1) of the Tobacco Products Directive.
- (8) In this regulation—
- “age verification system” means a computing system that confirms the consumer's age electronically; and
- “confirmation of registration” means written confirmation provided by the competent authority of any member State in accordance with the requirements in that member State which implement Article 18 of the Tobacco Products Directive; and
- “relevant product” means a tobacco product, an electronic cigarette or a refill container.

Textual Amendments

- F1** Words in reg. 47 heading inserted (31.12.2020) by S.I. 2019/41, **reg. 6(30)(a)** (as substituted by [The Tobacco Products and Nicotine Inhaling Products \(Amendment\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1316), regs. 1(3), **3(35)** (with reg. 5))
- F2** Words in reg. 47(1)(a) substituted (31.12.2020) by S.I. 2019/41, **reg. 6(30)(b)(i)(aa)** (as substituted by [The Tobacco Products and Nicotine Inhaling Products \(Amendment\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1316), regs. 1(3), **3(35)** (with reg. 5))
- F3** Word in reg. 47(1)(a) substituted (31.12.2020) by S.I. 2019/41, **reg. 6(30)(b)(i)(bb)** (as substituted by [The Tobacco Products and Nicotine Inhaling Products \(Amendment\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1316), regs. 1(3), **3(35)** (with reg. 5))
- F4** Words in reg. 47(1)(b) substituted (31.12.2020) by S.I. 2019/41, **reg. 6(30)(b)(ii)** (as substituted by [The Tobacco Products and Nicotine Inhaling Products \(Amendment\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1316), regs. 1(3), **3(35)** (with reg. 5))
- F5** Word in reg. 47(4)(b) substituted (31.12.2020) by S.I. 2019/41, **reg. 6(30)(c)** (as substituted by [The Tobacco Products and Nicotine Inhaling Products \(Amendment\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1316), regs. 1(3), **3(35)** (with reg. 5))

Changes to legislation:

There are currently no known outstanding effects for the The Tobacco and Related Products Regulations 2016, Section 47.