



# Tobacco and Primary Medical Services (Scotland) Act 2010

2010 asp 3

## PART 1

[<sup>F1</sup>TOBACCO AND NICOTINE VAPOUR PRODUCTS ETC.]

## CHAPTER 2

[<sup>F1</sup>REGISTER OF TOBACCO AND NICOTINE VAPOUR PRODUCT RETAILERS]

### *Registration*

#### **11 Application for registration and addition of premises etc.**

- (1) A person may apply to the Scottish Ministers—
  - (a) to be registered, or
  - (b) to add further premises to the person's entry in the Register.
- (2) The application must—
  - (a) state the name and address of the applicant,
  - (b) where it is an application under subsection (1)(a), state the addresses of all premises at which the applicant proposes to carry on a tobacco [<sup>F1</sup>or nicotine vapour product] business,
  - (c) where it is an application under subsection (1)(b), state the address of the further premises at which the applicant proposes to carry on a tobacco [<sup>F1</sup>or nicotine vapour product] business,
  - (d) contain such other information as is prescribed, and
  - (e) be made in such form and manner as is determined by the Scottish Ministers.

[<sup>F2</sup>(2A) An application under subsection (1) must state, in relation to each of the premises included in it, whether the applicant proposes to carry on—

- (a) a tobacco business at the premises,
- (b) a nicotine vapour product business at the premises, or

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*Changes to legislation: There are currently no known outstanding effects for the Tobacco and Primary Medical Services (Scotland) Act 2010, Cross Heading: Registration. (See end of Document for details)*

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- (c) both a tobacco business and a nicotine vapour product business at the premises.]
- (3) The Scottish Ministers must grant the application unless—
  - (a) it does not comply with the requirements in subsection (2), or
  - (b) at the time the application is made, the applicant is banned, under a tobacco [<sup>F3</sup>and nicotine vapour product banning order from carrying on a tobacco or nicotine vapour product] business at any premises specified in the application.
- (4) On granting an application under subsection (1)(a), the Scottish Ministers must enter the following information in the Register—
  - (a) the name and address of the applicant,
  - (b) the addresses of the premises at which the applicant proposes to carry on a tobacco [<sup>F4</sup>or nicotine vapour product business, noting, in relation to each of the premises, whether the applicant proposes to carry on—
    - (i) a tobacco business at the premises,
    - (ii) a nicotine vapour product business at the premises, or
    - (iii) both a tobacco business and a nicotine vapour product business at the premises], and
  - (c) any other information which the Scottish Ministers consider appropriate.
- (5) On granting an application under subsection (1)(b), the Scottish Ministers must amend the applicant's entry in the Register so as to include the address of the further premises at which the applicant proposes to carry on a tobacco [<sup>F5</sup>or nicotine vapour product business, noting, in relation to each of the premises, whether the applicant proposes to carry on—
  - (a) a tobacco business at the premises,
  - (b) a nicotine vapour product business at the premises, or
  - (c) both a tobacco business and a nicotine vapour product business at the premises].

#### **Textual Amendments**

- F1** Words in s. 11(2) inserted (6.2.2017 for specified purposes, 1.4.2017 in so far as not already in force) by [Health \(Tobacco, Nicotine etc. and Care\) \(Scotland\) Act 2016 \(asp 14\)](#), **ss. 9(1)(a)**, 36(2); S.S.I. 2017/12, reg. 2, sch.
- F2** S. 11(2A) inserted (6.2.2017 for specified purposes, 1.4.2017 in so far as not already in force) by [Health \(Tobacco, Nicotine etc. and Care\) \(Scotland\) Act 2016 \(asp 14\)](#), **ss. 9(1)(b)**, 36(2); S.S.I. 2017/12, reg. 2, sch.
- F3** Words in s. 11(3)(b) substituted (6.2.2017 for specified purposes, 1.4.2017 in so far as not already in force) by [Health \(Tobacco, Nicotine etc. and Care\) \(Scotland\) Act 2016 \(asp 14\)](#), **ss. 9(1)(c)**, 36(2); S.S.I. 2017/12, reg. 2, sch.
- F4** Words in s. 11(4)(b) substituted (6.2.2017 for specified purposes, 1.4.2017 in so far as not already in force) by [Health \(Tobacco, Nicotine etc. and Care\) \(Scotland\) Act 2016 \(asp 14\)](#), **ss. 9(1)(d)**, 36(2); S.S.I. 2017/12, reg. 2, sch.
- F5** Words in s. 11(5) substituted (6.2.2017 for specified purposes, 1.4.2017 in so far as not already in force) by [Health \(Tobacco, Nicotine etc. and Care\) \(Scotland\) Act 2016 \(asp 14\)](#), **ss. 9(1)(e)**, 36(2); S.S.I. 2017/12, reg. 2, sch.

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**Modifications etc. (not altering text)**

- C1** Pt. 1 Ch. 2 applied (with modifications) (1.4.2011) by [The Sale of Tobacco \(Registration of Moveable Structures and Fixed Penalty Notices\) \(Scotland\) Regulations 2011 \(S.S.I. 2011/23\)](#), regs. 1(1), **regs. 2-4**

**Commencement Information**

- I1** S. 11 in force at 24.10.2010 for specified purposes and 1.4.2011 in so far as not already in force by [S.S.I. 2010/345](#), art. 2, **Sch.**

## 12 Certificates of registration

<sup>F6</sup>[(1)] On granting an application under section 11(3) the Scottish Ministers must issue to the applicant a certificate of registration in respect of each premises stated in the application.

[<sup>F7</sup>(2) A certificate issued under subsection (1) must state whether the premises are noted in the applicant's entry in the Register as premises at which the person carries on—

- (a) a tobacco business,
- (b) a nicotine vapour product business, or
- (c) both a tobacco business and a nicotine vapour product business.]

**Textual Amendments**

- F6** S. 12(1): s. 12 renumbered as s. 12(1) (1.4.2017) by [Health \(Tobacco, Nicotine etc. and Care\) \(Scotland\) Act 2016 \(asp 14\)](#), **ss. 9(2)(a)**, 36(2); S.S.I. 2017/12, reg. 2, sch.
- F7** S. 12(2) inserted (1.4.2017) by [Health \(Tobacco, Nicotine etc. and Care\) \(Scotland\) Act 2016 \(asp 14\)](#), **ss. 9(2)(b)**, 36(2); S.S.I. 2017/12, reg. 2, sch.

**Commencement Information**

- I2** S. 12 in force at 1.4.2011 by [S.S.I. 2010/345](#), art. 2, **Sch.**

**Changes to legislation:**

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