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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2017 No.**

**PUBLIC HEALTH**

**The Sale of Tobacco (Registration of Moveable Structures and Fixed Penalty Notices) (Scotland) Amendment Regulations 2017**

*Made* - - - - 2017

*Coming into force* - - 2017

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 24 of the Tobacco and Primary Medical Services (Scotland) Act 2010(a) and all other powers enabling them to do so.

In accordance with section 40(4) of that Act a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

**Citation and commencement**

1. These Regulations may be cited as the Sale of Tobacco (Registration of Moveable Structures and Fixed Penalty Notices) (Scotland) Amendment Regulations 2017 and come into force on 1st April 2017.

**Amendment of the Sale of Tobacco (Registration of Moveable Structures and Fixed Penalty Notices) (Scotland) Regulations 2011**

2.—(1) The Sale of Tobacco (Registration of Moveable Structures and Fixed Penalty Notices) (Scotland) Regulations 2011(b) are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation) in the definition of “moveable premises” after “tobacco” insert “or nicotine vapour product”.

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(a) 2010 asp 3. The Act is prospectively amended by the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 (asp 14).

(b) S.S.I. 2011/23.

(3) In regulation 3 (application of chapter 2 of the Act to vehicles and other moveable structures) after “tobacco” in each place where it occurs insert “or nicotine vapour product”.

St Andrew’s House,  
Edinburgh  
Date

*Name*  
Authorised to sign by the Scottish Ministers

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Sale of Tobacco (Registration of Moveable Structures and Fixed Penalty Notices) (Scotland) Regulations 2011 (“the principal Regulations”) to include provision for nicotine vapour products. They amend the definition of “moveable premises” to include businesses which sell nicotine vapour products by retail.

The principal Regulations make provision for the application of chapter 2 of Part 1 (Register of Tobacco Retailers) of the Tobacco and Primary Medical Services (Scotland) Act 2010 (“the Act”) to moveable structures. They also make provision in relation to the fixed penalty notice scheme under section 27 and schedule 1 of the Act.

Regulation 3 of the principal Regulations modifies section 11 of the Act in respect of the application for registration for businesses carried on from moveable premises. These Regulations amend the principal Regulations to include nicotine vapour product businesses in those modified provisions.

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