
EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 10 of the Tobacco and Primary Medical Services (Scotland) Act 2010 (“the Act”) requires the Scottish Ministers to keep a register of persons carrying on a tobacco business. Section 11(2) of the Act sets out what must be contained in an application to be registered or to add premises to a person’s existing entry in the register. These Regulations prescribe the other information which must be contained in such an application.

The additional information is—

- The contact details of the person completing the form (regulation 3(a))
- Whether the applicant is banned from retailing tobacco under an order made under section 15(3) of the Act (a tobacco retailing banning order) (regulation 3(b))
- Whether the floor area exceeds 280 square metres (regulation 3(c))
- Whether the applicant’s business is as a specialist or trade tobacconist (regulation 3(d))
- Whether the premises are a bulk tobacconist or duty free shop (regulation 3(e)).

Section 19 of the Act requires that where premises have been specified in a tobacco retailing banning order under section 15 of the Act and the person against whom that order was made is carrying on a retail business at those premises, then a notice has to be displayed there.

Section 19(3) sets out the requirements for the notice. In section 19(5) the Scottish Ministers are empowered to prescribe the size and wording of the notice. These are prescribed in regulation 4 and the Schedule to these Regulations.