

EXECUTIVE NOTE
THE SALE OF TOBACCO (REGISTER OF TOBACCO RETAILERS)
REGULATIONS 2010
SSI 2010/407

The above instrument was made in exercise of the powers conferred by sections 11(2)(d) and 19(5) of the Tobacco and Primary Medical Services (Scotland) Act 2010 (“the Act”). This instrument is subject to negative resolution procedure.

Policy Objectives

The Act establishes a tobacco sales registration scheme. This scheme allows retailers to be clearly identified, enabling trading standards officers and others to offer advice and support to them to avoid illegal sales. The Act sets out information required on any application to be on the Register of Tobacco Retailers. Under section 11 of the Act, retailers are required to provide their name and address and the address of all premises at which they propose to carry out a tobacco business. Scottish Ministers can prescribe other information which must also be contained in the application.

Under section 19 of the Act, retailers are required to display a notice where they have been banned from selling tobacco. The Act requires that such a notice states that the premises have been specified in a tobacco retailing banning order and the period for which the banning order applies. The Act allows Scottish Ministers to set out other requirements in regulations.

The regulations set out other information required by Ministers in order to register a tobacconist on the tobacco sales register. Ministers have committed to the registration being very simple to minimise impact on businesses: other information required, therefore, has been kept to a minimum.

These regulations require retailers to state in any application to be on the Register of Tobacco retailers: the contact details of the person completing the form; whether they are banned from carrying on a tobacco business at the premises specified in the application; whether they are a specialist or trade tobacconist or whether the premises are bulk tobacconists or duty free shops which is relevant to determine any exemptions from the display ban which may be applicable; and whether the floor area of the premise specified in the application exceeds 280 square metres which is relevant in relation to the proposal to have different commencement dates for the display ban depending on the size of the premises.

Regulation 4 sets out the dimensions of the tobacco retailing banning order notice and the content and size of the wording on the notice. This states that the dimensions of the notice should not be less than 297 millimetres by 420 millimetres. It is also stipulated that no character on the notice should be less than 36 millimetres high. The wording of the notice requires to be in the form set out in the Schedule to the regulations.

These regulations will come into force on 1 April 2011. Offences relating to the register would not come into force until 1 October 2011. This will allow retailers six months in which to register.

Consultation

The Tobacco and Primary Medical Services (Scotland) Act 2010 has a number of regulation-making powers. A consultation on five sets of draft regulations to be made under the Act began on 27 April and ran through until 20 July 2010. The Scottish Government received nearly 500 responses to the consultation from individuals and organisations.

Financial effects

A Regulatory Impact Assessment was carried out in relation to the tobacco sales registration scheme. It was deemed that these regulations would put no additional burden on business. A copy of the RIA can be accessed at:

<http://www.scotland.gov.uk/Publications/2009/02/27120518/0>