



Notification Number: 2017/201/UK

The Sale of Nicotine Vapour Products (Vending Machines) (Scotland) Regulations 2017

Date received : 22/05/2017

End of Standstill : 23/08/2017

Message

Message 001

Communication from the Commission - TRIS/(2017) 01280

Directive (EU) 2015/1535

Notificación - Oznámení - Notifikation - Notifizierung - Teavitamine - Γνωστοποίηση - Notification - Notification - Notifica - Pieteikums - Pranešimas - Bejelentés - Notifika - Kennisgeving - Zawiadomienie - Notificação - Hlásenie-Obvestilo - Ilmoitus - Anmälan - Нотификация : 2017/0201/UK - Notificare.

No abre el plazo - Nezahtuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - Не се предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201701280.EN)

1. Structured Information Line

MSG 001 IND 2017 0201 UK EN 22-05-2017 UK NOTIF

2. Member State

UK

3. Department Responsible

Department for Business, Energy & Industrial Strategy
Europe Directorate
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London, SW1H 0ET

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3. Originating Department

Scottish Government - Directorate for Population Health



4. Notification Number

2017/0201/UK - X00M

5. Title

The Sale of Nicotine Vapour Products (Vending Machines) (Scotland) Regulations 2017

6. Products Concerned

Vending machines selling nicotine vapour products (commonly known as "e-cigarettes") will be prohibited by virtue of the changes made to the Tobacco and Primary Medical Services (Scotland) Act 2010 by the Regulations. A person who has the management or control of premises on which a vending machine selling tobacco or nicotine vapour products is available will commit an offence.

An "electronic cigarette" or "e-cigarette" is the commonly used name for a device which is charged by electricity (from a battery or mains supply) and heats liquid substances to produce vapour, which is inhaled by the user in order to deliver nicotine and/ or flavourings. Various products already exist on the market with several other similar products known to be in development. These Regulations will have the effect of prohibiting the sale of all nicotine vapour products from vending machines.

7. Notification Under Another Act

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8. Main Content

The intention behind the Regulations is to extend the effect of section 9 of the Tobacco and Primary Medical Services (Scotland) Act 2010 ("the 2010 Act"), which brought in the prohibition of vending machines for the sale of tobacco products, for nicotine vapour products. Section 9 is amended by the Regulations to amend the definition of "vending machine" to include those machines selling nicotine vapour products with the effect that such machines will also be prohibited. A person who has the management or control of premises on which such a vending machine is available for use commits an offence. A person found guilty of such an offence is liable to a fine not exceeding £2,500.

9. Brief Statement of Grounds

The Regulations build on existing legislation in Scotland which banned the sale of tobacco products from self-serving vending machines in April 2013 by introducing the same restrictions on the sale of nicotine vapour products from vending machines. The sale of tobacco and nicotine vapour products to under 18s is prohibited in Scotland and it is not generally accepted for age-restricted goods to be sold through vending machines. While a Scottish Government consultation did not identify any instances where nicotine vapour products were being sold from vending machines a decision was taken to prohibit the machines as a precautionary measure.

The Scottish Government does not believe that tobacco or nicotine vapour products should be accessible to under 18s and has introduced a variety of measures, including age verification policies, to restrict sales to this age group. The ban on vending machines selling nicotine vapour products supports this.

10. Reference Documents - Basic Texts

References of the Basic Texts: Section 7 of the Health (Tobacco, Nicotine and Care etc.) (Scotland) Act 2016



Section 9 of the Tobacco and Primary Medical Services (Scotland) Act 2010

Policy Memorandum of the Scottish Government for the Health (Tobacco, Nicotine and Care etc.)(Scotland) Bill

11. Invocation of the Emergency Procedure

No

12. Grounds for the Emergency

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13. Confidentiality

No

14. Fiscal measures

No

15. Impact assessment

Yes

16. TBT and SPS aspects

TBT aspect

No - The draft has no significant impact on international trade

SPS aspect

No - The draft has no significant impact on international trade

European Commission

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