

GUERNSEY STATUTORY INSTRUMENT

2014 No. 89

**The Tobacco Products
(Licences and Approvals) (Guernsey)
Regulations, 2014**

<i>Made</i>	<i>1st December, 2014</i>
<i>Coming into operation</i>	<i>1st December, 2014</i>
<i>Laid before the States</i>	<i>, 2015</i>

THE HEALTH AND SOCIAL SERVICES DEPARTMENT, in exercise of the powers conferred on it by sections 4(2)(a), 6(1)(c), 10(2)(a), 15(1)(b), 16(2), 19(2), 20(1) and 51 of the Tobacco Products (Guernsey) Ordinance, 2014^a and all other powers enabling it in that behalf, hereby makes the following Regulations:-

Fees prescribed for the Ordinance.

1. For the purposes of each provision of the Ordinance specified in column 1 of the Schedule, the fee in column 3 of the Schedule is prescribed in respect of the corresponding matter in column 2.

Information to be included in a licence.

2. For the purposes of section 6(1)(c) of the Ordinance, any licence granted must include the following information –

- (a) the name and principal business address of the licensee,
and

^a

Approved by the States of Deliberation on the 26th November, 2014.

- (b) a unique identification code identifying the licensee.

Records to be kept by wholesale licensees.

3. (1) For the purposes of section 15(1)(b) of the Ordinance, a wholesale licensee must keep records of any sale of tobacco products in accordance with paragraphs (2) and (3).

(2) The records must include –

- (a) the date of each sale,
- (b) the name and unique identification code of the licensee to whom the sale is made, and
- (c) the quantity and kind of tobacco products sold.

(3) The records must be kept –

- (a) in such a form and manner that, on request, they can easily be retrieved and made available in a legible form to an authorised officer for inspection and copying, and
- (b) for no less than 3 years from the date of each sale.

Register of licences.

4. (1) For the purposes of section 20(1) of the Ordinance, the register of licences to be kept by the licensing officer must include the following –

- (a) the name, principal business address and unique identification code of the holder of each licence,

- (b) the name (if any) and address of each premises to which each licence relates,
 - (c) the date on which each licence was granted or renewed,
 - (d) any special conditions subject to which the licence is issued,
 - (e) the particulars of any renewal, suspension, revocation, amendment, expiry or return of each licence.
- (2) In paragraph (1), "**licence**" refers to –
- (a) any licence in force for the time being, or
 - (b) any licence that, within the preceding 3 years –
 - (i) has been suspended, revoked or returned, or
 - (ii) has expired.

Interpretation.

5. (1) In these Regulations, unless the context requires otherwise –

"**licence**" means a licence granted or renewed under Part II of the Ordinance,

"**licensee**" means any person holding a licence, and includes an employee or agent of the person acting on that person's behalf,

"**the Ordinance**" means the Tobacco Products (Guernsey) Ordinance, 2014,

"tobacco product" has the meaning given by section 5 of the Law and includes anything deemed to be a tobacco product by section 2 of the Ordinance,

"unique identification code" means the unique identification code allocated to a licensee by the licensing officer,

"wholesale licence" means a licence authorising wholesale sales of tobacco products,

"wholesale licensee" –

(a) means a person who holds a wholesale licence, and

(b) includes any employee or agent of that person, acting on that person's behalf,

"wholesale sale", in relation to a tobacco product, means sale of the product to a person who buys it for the purpose of selling or supplying it in the course of a business carried on by that person, and

cognate expressions are to be construed accordingly.

(2) The Interpretation (Guernsey) Law, 1948^b applies to the interpretation of these Regulations.

(3) Any reference in these Regulations to an enactment is a reference thereto as from time to time amended, re-enacted (with or without

^b Ordres en Conseil Vol. XIII, p. 355.

modification), extended or applied.

Citation.

6. These Regulations may be cited as the Tobacco Products (Licenses and Approvals) (Guernsey) Regulations, 2014.

Commencement.

7. These Regulations come into force on the 1st December, 2014.

Dated this 1st day of DECEMBER, 2014

A handwritten signature in black ink, consisting of a large loop at the top left and a long, sweeping horizontal stroke extending to the right, ending in a small flourish.

Deputy Paul A. Luxon

Minister of the Health and Social Services Department

For and on behalf of the Department.

SCHEDULE

FEES PRESCRIBED FOR THE PURPOSES OF THE ORDINANCE

Regulation 1

COLUMN 1 Provision of Ordinance	COLUMN 2 Matter for which the fee is prescribed	COLUMN 3 Fee
Section 4(2)(a)	Application for retail licence or for renewal of a retail licence	£135 for each premises
	Application for wholesale licence or for renewal of a wholesale licence in respect of each premises	£400 for each premises
	Application for indirect sales licence or for renewal of an indirect sales licence in respect of each premises	£135 for each premises
Section 10(2)(a)	Application for approval of responsible person submitted with an application for a corporate licence or an application to renew a corporate licence	Nil
	Any other application for approval of a responsible person	£25
Section 16(2)	Issue of a duplicate licence	£25
Section 19(2)(a)	Application to vary a licence	£25

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe fees payable in respect of applications for licences, applications for approval of a responsible person, applications for amendments to licences, and in respect of the issue of duplicate licences, under the Tobacco Products (Guernsey) Ordinance, 2014.

In addition, these Regulations prescribe the information to be included in a licence, records to be kept by wholesale licensees and the particulars to be kept in the public register of licences.

These Regulations come into force on the 1st December, 2014.