
STATUTORY INSTRUMENTS

2016 No. 507

The Tobacco and Related Products Regulations 2016

PART 10

Miscellaneous provisions

[^{F1}Regulations: Great Britain

- 54ZA.**—(1) Any power to make regulations under these Regulations—
- (a) is exercisable by the Secretary of State (and in the case of regulations made under regulation 53A, with the consent of the Treasury) by statutory instrument; and
 - (b) includes power to make—
 - (i) different provision for different cases or descriptions of case, different circumstances, different purposes or different areas;
 - (ii) consequential, supplementary, incidental, transitional or transitory provision or savings.
- (2) A statutory instrument containing regulations made under—
- (a) regulation 53A may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament;
 - (b) any other provision of these Regulations is subject to annulment in pursuance of a resolution of either House of Parliament.

F1 Regs. 54ZA, 54ZB inserted (31.12.2020) by S.I. 2019/41, regs. 1, **6(34)** (with reg. 9) (as amended by [The Tobacco Products and Nicotine Inhaling Products \(Amendment\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1316), regs. 1(3), **3(3)(38)** (with reg. 5)); 2020 c. 1, **Sch. 5 para. 1(1)**

Regulations: duty to consult

54ZB. Where the Secretary of State proposes to make regulations under these Regulations which will apply in Wales or Scotland, the Secretary of State must consult—

- (a) the Welsh Ministers, in respect of any proposed application in Wales; and
- (b) the Scottish Ministers, in respect of any proposed application in Scotland;

before making such regulations.]

F1 Regs. 54ZA, 54ZB inserted (31.12.2020) by S.I. 2019/41, regs. 1, **6(34)** (with reg. 9) (as amended by [The Tobacco Products and Nicotine Inhaling Products \(Amendment\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1316), regs. 1(3), **3(3)(38)** (with reg. 5)); 2020 c. 1, **Sch. 5 para. 1(1)**

Revocation

54. The following regulations are revoked (although see regulations 55 and 56 (savings and transitional provisions))—

- (a) the Tobacco for Oral Use (Safety) Regulations 1992 ^{M1};
- (b) the 2002 Regulations; and
- (c) the Tobacco Products (Manufacture, Presentation and Sale) (Safety) (Amendment) Regulations 2007 ^{M2}.

Marginal Citations

- M1** [S.I. 1992/3134.](#)
M2 [S.I. 2007/2473.](#)

Saving for tobacco product identification marking

55.—(1) Regulation 10 (product identification markings) of the 2002 Regulations continues to have effect in relation to the code marking of tobacco products until the relevant date, despite the revocation made by these Regulations.

- (2) For the purposes of paragraph (1) —
 - (a) the reference in regulation 10(2) of the 2002 Regulations to the Secretary of State's functions under those Regulations, is to be read as a reference to the Secretary of State's functions under these Regulations; and
 - (b) the 2002 Regulations continue to apply as if they (as amended by the Regulations referred to in regulation 54(c)) had not been revoked.
- (3) The relevant date for the purposes of paragraph (1) is—
 - (a) 20th May 2019 in the case of cigarettes and hand rolling tobacco; and
 - (b) 20th May 2024 in the case of any other tobacco product.

Transitional provisions

56.—(1) The provisions of Part 2 (labelling) and Part 3 (emissions and ingredients) do not apply to the supply of a tobacco product where—

- (a) the product was produced before 20th May 2016, or released for free circulation within the European Union before that date;
- (b) the supply takes place before 20th May 2017; and
- (c) the product complies with the 2002 Regulations at the time of supply.

(2) For the purposes of paragraph (1)(c) the 2002 Regulations continue to apply as if they (as amended by the Regulations referred to in regulation 54(c)) had not been revoked.

(3) The provisions of regulation 15 (flavoured cigarettes etc.) do not apply to menthol cigarettes until 20th May 2020.

(4) The provisions of regulation 28 (labelling and presentation of herbal products for smoking) do not apply to the supply of a herbal product for smoking where—

- (a) the product was produced before 20th May 2016, or released for free circulation within the European Union before that date; and
- (b) the supply takes place before 20th May 2017.

(5) The provisions of regulations 36 to 38 (product requirements etc. of electronic cigarettes) do not apply to the production of an electronic cigarette or a refill container until 20th November 2016.

(6) The provisions of regulations 36 to 38 do not apply to the supply of an electronic cigarette or a refill container where—

(a) the electronic cigarette or a refill container was produced before 20th November 2016, or released for free circulation within the European Union before that date; and

(b) the supply takes place before 20th May 2017.

(7) Regulation 42(2) (sale etc. of newspaper, periodical or magazine) does not apply to a newspaper, periodical or magazine which was published before 20th May 2016.

Saving for product placement of electronic cigarettes in television programmes the production of which began before 20th May 2016

57. In the case of a programme the production of which began before 20th May 2016, section 319 of and Schedule 11A to, the Communications Act 2003 apply as if they had not been amended by these Regulations.

Review

58.—(1) The Secretary of State must from time to time—

(a) carry out a review of the regulatory provision made by these Regulations; and

(b) publish a report setting out the conclusions of the review.

(2) The review must have regard to how the Tobacco Products Directive is implemented in other member States.

(3) The report must, in particular—

(a) set out the objectives intended to be achieved by the regulatory provision made by these Regulations;

(b) assess the extent to which those objectives are achieved; and

(c) assess whether those objectives remain appropriate, and

(d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(4) The first report under this regulation must be published before 20th May 2021.

(5) Subsequent reports must be published at intervals not exceeding five years.

(6) In this regulation “regulatory provision” has the meaning given in section 32(4) of the Small Business, Enterprise and Employment Act 2015 ^{M3}.

Marginal Citations

M3 2015 c.26.

Changes to legislation:

There are currently no known outstanding effects for the The Tobacco and Related Products Regulations 2016, PART 10.