

Evaluating the long term impact of Scotland's Tobacco and Vaping Retail Register

Authors: J Shields, A Hamid, E Holman, H Biggs and A MacGregor
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Scottish Centre for Social Research
Scotiabank House, 2nd floor
6 South Charlotte Street
Edinburgh EH2 4AW

0131 240 0210
www.natcen.ac.uk/scotcen

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Executive summary

The Scottish Centre for Social Research (ScotCen) was commissioned by Cancer Research UK to draw insights from the Scottish Tobacco Retail Register to understand how the register could be improved and to identify transferable policy lessons for a potential registration and/or licensing scheme in the rest of the UK.

Background

The Tobacco and Vapes Act received Royal Assent on the 29th April 2026 and was passed into law. In addition to restrictions to age-of-sale and marketing, the Act provides powers to introduce a new retail licensing scheme in England, Wales and Northern Ireland for tobacco, vapes and nicotine products and strengthens Scotland's existing retail register.

This current review builds on a previous evaluation of the Scottish Tobacco Retail Register conducted by ScotCen in 2017 for Cancer Research UK.¹

The report consists of a literature review and qualitative interviews with 12 stakeholders from academia, public health, enforcement and third sector/advocacy groups. These two strands were analysed together to identify cross-cutting themes and transferable lessons for England.

Findings

The register was found to bring several operational benefits. Stakeholders agreed that it provides a strong national-level dataset which is widely used in research to understand retail availability. Enforcement stakeholders reported that it helps them identify retailers quickly and communicate statutory requirements consistently, which is not possible in England because no equivalent national register exists. The expansion to nicotine vapour products was also viewed positively because it reflects changes in the retail market and supports work to understand issues such as youth access to vapes.

However, the evidence also highlighted challenges that limit the register's impact on enforcement, research and public health. The most commonly reported issue is the accuracy of information on the register, such as incorrect or incomplete addresses and duplicate entries, which reduce confidence in the data and make it difficult for enforcement officers to use the register to issue fixed penalties.

The impact of the register on retail practice and public health was perceived to be limited. Stakeholders believed most retailers comply with the requirement to register but felt that registration alone does not influence decisions about stocking tobacco or nicotine products. They argued that any public health impact is more likely to stem from the wider set of tobacco control policies in Scotland, such as age verification requirements and restrictions on advertising.

International evidence from the literature review provided insight into alternative approaches to tobacco control and retail enforcement. Countries or areas that operate licensing schemes

¹ Delaney H, Bardsley D, MacGregor A (2017) Evaluating the Scottish Tobacco Retail Register. ScotCen Social Research and Cancer Research UK

with fees have seen reductions in tobacco retailer density, often accompanied by stronger enforcement powers and more clarity on what is expected of retailers. Examples included schemes operating in Australian states, and parts of the USA and Hungary, where licensing fees and penalties are used to regulate the tobacco market and support enforcement.

In the interviews, stakeholders suggested a range of modifications that could strengthen the Scottish register. These included ways to improve the accuracy of data collected by the register such as introducing verification of addresses, improving the online platform, adding new data fields such as sales volumes, and expanding the scope to include all new nicotine products and online retailers. Many also supported moving towards a conditional register or a licensing scheme with fees, particularly as a way to reduce the availability of tobacco and vapes in areas near schools and in more deprived communities. A fee was viewed as a potential disincentive to sell tobacco products, although stakeholders stressed that this must be communicated clearly and supported by adequate resource for enforcement.

Policy implications

With a proposed licensing scheme expected to be applied in England, the approach should retain the strengths of the Scottish Tobacco and Vapes Register, particularly the national dataset and communication structures, while addressing limitations such as data accuracy and enforcement constraints. When considering transferrable lessons from the Scottish Tobacco and Vapes register, a number of key policy implications have emerged from this review:

- The introduction of a registration or licensing scheme should form **one part of a coherent strategy and policy approach working towards the Smokefree UK target**. The intended aims and outcomes of the introduction of a registration or licensing scheme should include phasing out the supply of tobacco and protecting the health of young people. These aims should **be clear and well communicated**, and consideration should be made of how best to frame this and engage with those affected, such as retailers.
- **Sufficient resource should be available to ensure effective enforcement of any new registration or licensing scheme**. The resource available to local authorities to administer the set-up of a new scheme and whether this could be supported at a national level should be considered, and the interaction between trading standards and other elements of enforcement and civil society should be explored.
- **The data collected by a licensing or registration scheme should be of sufficient detail and quality to allow its use in enforcement activity and research**. The availability of a national level dataset is one of the key strengths of the existing register in Scotland and any scheme introduced in England should ensure that the data gathered can be used to provide a clear and comprehensive picture of tobacco and vape supply in England. The challenges experienced by those working in enforcement in Scotland in using the data gathered through the register should also be taken into account in the development of a scheme for England and data verification checks should be designed into the scheme from the outset.
- In a rapidly changing retail landscape where both new products and methods of sale are constantly developing, **a new licensing or registration scheme should remain adaptable and responsive to the emerging market**.

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- In decisions around whether to introduce a licensing fee for retailers, **there should be careful consideration of appropriate amount and fee structure**. If the introduction of a fee is to disincentivise retailers from selling tobacco and vapes, this must be clearly communicated to retailers. A number of different approaches to fees were suggested by stakeholders including using funds raised from fees to fund enforcement, differential fees for tobacco and vapes, and an inverted fee structure with highest fees for importers and wholesalers.

It should be noted, though, that due to the registration scheme already operating in Scotland, which has the potential to introduce conditions which will affect tobacco and vape retail and outlets, there was no strong will expressed by participants that a licensing scheme should necessarily be adopted in Scotland itself. However, towards the conclusion of the review and after fieldwork had taken place, a serious fire starting in an unregistered vape shop in Glasgow has resulted in robust debate in political circles and it is possible that the prevailing view will shift towards a licensing model as a consequence.

Introduction

The Scottish Centre for Social Research (ScotCen) was commissioned by Cancer Research UK to draw insights from the Scottish Tobacco Retail Register to identify transferable policy lessons for a potential registration and/or licensing scheme in England.

Background

Smoking remains the biggest cause of cancer² and premature cancer death in the UK.³ It is estimated that tobacco causes around 80,900 deaths each year in the UK - more than a tenth (12%) of all deaths from all causes (GBD reference below).³

In 2023, the UK Government announced an ambition for England to become 'smokefree' by 2030 – achieved when adult smoking prevalence falls to 5% or less.⁴ With the aim of working towards this ambition, the Tobacco and Vapes Act received Royal Assent on the 29th April 2026 and was passed into law.⁵ The Tobacco and Vapes Act introduces a generational smoking ban whereby it is illegal to sell tobacco products to children born on or after 1 January 2009 and gives the government powers to stop vapes and other consumer nicotine products (such as nicotine pouches) from being deliberately branded and advertised to appeal to children. The Act also gives the government powers to extend the ban on smoking in public places to some outdoor spaces and introduce vape-free areas. Further consultations will determine exactly how these powers will be implemented.

The Tobacco and Vapes Act also includes provisions to introduce a retailer licensing scheme as a potential regulatory tool with the stated aims of protecting public health, to ensure that retailers and their practices are not posing any undue or excessive risk to the health of the public, particularly children, and preventing crime, to ensure that retailers do not pose any undue crime risk and that only law-abiding retailers can sell these products to the public.⁵

The Scottish Tobacco Retail Register (STRR) offers a valuable case study in the use of retailer registration to support tobacco control. A Scottish Tobacco Retail Register (STRR) was implemented in Scotland in April 2011 through the Tobacco and Primary Medical Services (Scotland) Act 2010 with the aim of preventing underage people from accessing tobacco products. The stated intention of the register is to allow retailers to be clearly identified and support trading standards and others to offer advice and support to retailers to avoid illegal sales.⁶ In addition to the retail register, the Act included provisions around display, sale and purchase of tobacco products, and enforcement and fixed penalties. Under the STRR, retailers must register to sell tobacco products and comply with statutory requirements, including those on age-restricted sales and product display. The STRR was subsequently amended in 2017 to include e-cigarettes and vapes, becoming the Scottish Register of Tobacco and Nicotine Vapour Product Retailers (SRTNVPR), hereafter referred to the Tobacco and Vapes register. A power in the Tobacco and Vapes Act is devolved to the

² Cancer Research UK, 2024. CRUK analysis brief: Smoking-attributable cancer cases in the UK, 2003-2023. Available from https://assets.ctfassets.net/u7vsjnoopqo5/4Uw3yaC18sF9VRqHmnALat/de8da517853c3f7db981a1be100ca3d1/analysis_brief_smoking_attributable_cancer_cases_in_the_uk_2003-2023.pdf

³ Institute for Health Metrics and Evaluation. Global Burden of Disease. Number of deaths caused by smoking in the United Kingdom for 2023. Available from <https://vizhub.healthdata.org/gbd-results/>

⁴ UK parliament (2023) [The smokefree 2030 ambition for England](#).

⁵ UK Parliament (2026) [Tobacco and Vapes Act 2026](#)

⁶ Scottish Parliament (2010) [Tobacco and Primary Medical Services \(Scotland\) Act 2010](#)

Scottish Government to introduce secondary legislation for the existing register to be extended to cover all tobacco, nicotine and herbal smoking products.

Scotland's tobacco retail register has received recent attention in the media recently following a major fire in Glasgow city centre which was found to have started in a shop selling vapes which was not registered on the STRR.⁷ Both the Scottish Greens and Edinburgh City Council have called for the Scottish Government to introduce a licensing scheme that gives local councils the power to refuse licences, enforce safety standards and take action against businesses which are found to be not complying with regulations.^{8,9}

The passage of the Tobacco and Vapes Act in 2026 provides the opportunity for a retail licensing scheme or similar to be introduced in England, Wales and Northern Ireland in order to prevent crime and protect public health. It is now timely to review the longer-term impact of the Tobacco and Vapes register in order to inform the policy perspective in the rest of the UK, namely to explore whether a similar registration system, licensing scheme or an alternative model might be the best way to strengthen tobacco control and enforcement in the future.

Evaluation of the Scottish Tobacco Retail Register

In 2017, Cancer Research UK commissioned the Scottish Centre for Social Research (ScotCen) to evaluate the impact of the tobacco retail register in Scotland with the aim of examining whether or not the retail register is achieving its policy aims, and if there are any ways in which its effectiveness could be improved in the future.¹⁰ The team at ScotCen undertook a review of key documentation related to both the STRR and other related schemes within the UK and abroad and carried out in-depth interviews with 5 key national stakeholders and case studies in three local authority areas, which involved interviews with trading standards representatives covering strategic and operational roles (n=6) and a semi-structured survey of tobacco retailers (n=76).

The evaluation found that the register had been well received by stakeholders overall. Low cost and low administrative burden were identified as the main benefits of the STRR, and trading standards representatives highlighted that the register facilitates communication with retailers and supports efficient test purchasing and store visits. However, challenges were identified with maintaining the accuracy of information contained in the register. The register was not found to have had a negative impact on retail practice and retailers found the registration process to be easy.

At the time of the evaluation, no major appetite to make changes to the way that the STRR operated was identified and the benefits of the STRR were seen to outweigh any potential benefits of other schemes such as a positive licensing scheme or a tobacco registration scheme with a fee.

⁷ Calder, J (10th March 2025) "Glasgow Central fire vape shop not registered for sales", The National. <https://www.thenational.scot/news/25924377.glasgow-central-fire-vape-shop-not-registered-sales/>

⁸ Sullivan, J (18th March 2025) "Edinburgh councillors call for tighter vape shop regulation after fire", The Herald. <https://www.heraldscotland.com/news/25948469.edinburgh-councillors-call-tighter-vape-shop-regulation-fire/>

⁹ Scottish Greens (10th March 2025) "Scottish Greens call for tighter regulation on vape shops". <https://greens.scot/news/scottish-greens-call-for-tighter-regulation-on-vape-shops>

¹⁰ Delaney H, Bardsley D, MacGregor A (2017) Evaluating the Scottish Tobacco Retail Register. ScotCen Social Research and Cancer Research UK

Aims and research questions

The overall aim of this study was to draw insights from the Scottish Tobacco and Vapes register to identify transferable policy lessons for a potential registration and/or licensing scheme in the UK with additional objectives to:

- Explore the views, experiences and challenges of stakeholders involved in the design, enforcement, implementation and evaluation of the register (including policymakers, enforcement officers and academics).
- Evaluate retailer awareness, compliance, and behaviour in relation to Scottish Tobacco and Vapes register regulations, including practices related to age-restriction and product display.
- To identify improvements which could be made to the Scottish Tobacco and Vapes register.

The research primarily focussed on exploring:

- What barriers and facilitators to implementation, enforcement, compliance monitoring and evaluation of the Tobacco and Vapes register have stakeholders experienced?
- What measurable public health outcomes can be linked to the implementation of the Tobacco and Vapes register?
- How do stakeholders perceive the effectiveness of the Tobacco and Vapes register in meeting its intended objectives?
- To what extent has the Tobacco and Vapes register improved awareness and regulatory compliance among retailers?

Methodology

The review comprised a targeted policy and documentary review on the Tobacco and Vapes register, with a particular focus on documents published from 2017 onwards to provide an update to the evaluation of the STRR conducted by the Scottish Centre for Social Research in 2017¹¹, and qualitative interviews with stakeholders who are about to comment on the Tobacco and Vapes register.

The review received ethical approval from the NatCen Research Ethics Committee on 16th October 2025.

Document review

This review included publications in academic journals, grey literature, and research undertaken by specialist organisations. Although this was not a systematic review, specific search terms and combinations of search terms were used on a number of databases. Purposive searches of grey literature were also carried out, and key stakeholders identified further literature of interest during interview.

The main literature search was conducted in October 2025 across the following databases: PubMed, MEDLINE Complete, and Google Scholar. All English language documents were included, and any literature from before 2017 was excluded. Four search strings were used across these databases:

- String 1: Tobacco retail regist* OR Tobacco licen* OR STRR OR TRR OR Tobacco control
- String 2: Tobacco OR cigar* OR smok*
- String 3: Nicotine OR Vape OR NVP* OR pouch* OR vapour OR e-cigar*
- String 4: Retail register OR Licen* OR control register OR control OR regulat*

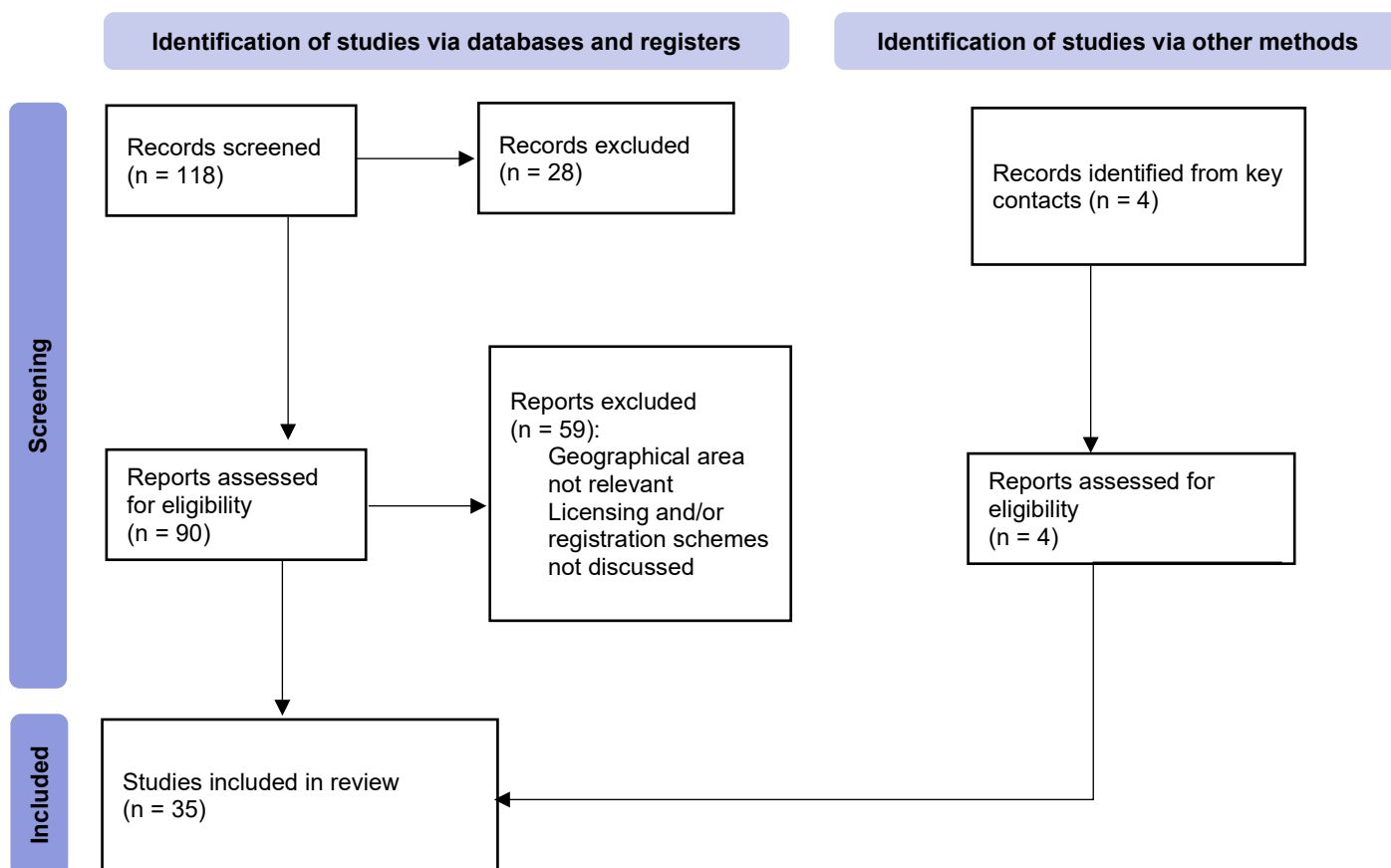
String 1 was used independently, while other searches combined either string 2 and 4 or 3 and 4. The initial search identified 165 items as potentially relevant through the database searches, purposive searching, and suggested by stakeholders. The authors met and reviewed article titles, abstracts and, where necessary, findings and conclusions, to identify which items would be included in the review. The consolidated list included 35 items for full review. The documents reviewed included:

- 26 journal articles
- 4 pieces of grey literature
- 1 policy document.

See Figure 1 for details on the document screening process. A full reference list of the documents included in the review is included at the end of this report in the [References](#) section.

¹¹ Delaney H, Bardsley D, MacGregor A (2017) Evaluating the Scottish Tobacco Retail Register. ScotCen Social Research and Cancer Research UK

Figure 1: PRISMA flow diagram of the document screening process of this review.



Availability and coverage of literature

Very few items related directly to the Tobacco and Vapes register, and those which did were studies which used the register for its data on tobacco retailers, for example, to investigate the density of tobacco retailers in particular areas. The evidence found on nicotine products such as vapes was also limited, with the literature found in these searches focusing on vape shop density, the use of online vape shops for underage purchasing, with additional review of retail regulations and licensing of vapes. While there was reference to the existing registration schemes in Scotland and Ireland, much of the existing evidence focused on licensing schemes, primarily those in Australia, Hungary, and Finland. A significant portion of the literature also focused on registration and licensing schemes in the USA.

Interviews with stakeholders

The Scottish Centre for Social Research conducted in-depth qualitative interviews with 12 participants in 11 interviews, with one interview conducted as a paired interview. The interviews were conducted between September 2025 and January 2026.

Stakeholder sample

The breakdown of participants in each group is given in Table 1 below. The majority of participants were based in Scotland but the sample also included those with a wider UK remit.

Representatives of the tobacco control teams in the Scottish and UK Government were invited to contribute to the review but were not available to take part in an interview.

Table 1 – Stakeholder interview participant group and number of participants

Participant group	Number of participants
Advocacy/third sector groups	3
Public health officials	3
Academics, including those using the Tobacco and Vapes register for research	3
Enforcement, including Trading Standards	3

Fieldwork

All participants were provided with information sheets and privacy statements giving details of the review and all interviews were conducted online over MS Teams. With participants' consent, interviews were audio-recorded and transcribed.

The [interview topic guide](#) is provided as an appendix. The fieldwork was conducted while the Tobacco and Vapes Bill was passing through parliament, and therefore the topic guide contains references to the Bill. These interviews explored the views of stakeholders in relation to:

- the development and function of the Tobacco and Vapes register
- the incorporation of outlets selling vapes/nicotine vapour products (NVPs)
- key issues, both positive and negative, that have arisen with the Tobacco and Vapes register impact of the register, including on retail practice, enforcement, tobacco and vaping behaviours, academic research, etc
- what parts of the Tobacco and Vapes register may need changed as it continues to develop in Scotland
- other examples of registration and licensing (positive/negative) schemes, or similar, in the international context
- most relevant policy-related documentation (if relevant)
- the most important learning to take from the operation of the Tobacco and Vapes register if similar models are to be considered elsewhere
- the policy approach or approaches that should be adopted in England if the Tobacco and Vapes Bill is approved, including possible retailer licensing, registration and hybrid schemes.

Findings from this review were presented at a policy-focused webinar on 16th June 2026 attended by key stakeholders. Reflections from the discussions at the webinar are reflected in the final report.

Analysis

Transcripts of all interviews were thematically analysed using NVivo 12. This software ensures that the analysis was fully documented, and conclusions were clearly linked back to the original source data. This approach allowed the identification and development of themes in participants' experiences and views of the Tobacco and Vapes register. Key topics and issues which emerged from the research objectives were identified through familiarisation with the transcripts. Through reviewing the coded data and charts, the full range of views and attitudes described by participants were systematically mapped and the accounts of different participants, or group of participants, were compared and contrasted. The coders involved in the analysis held regular meetings to review the coding framework and any modifications were agreed on by all those involved prior to being implemented.

Findings

In this section, we combine findings from the document and literature review with key themes which emerged from the stakeholder interviews. First, we describe stakeholder perspective on the development and function of the Tobacco and Vapes register. This is followed by a discussion of the literature and perceptions of the effectiveness of the register. Finally, we explore any transferable lessons for a potential registration or licensing scheme in England and the rest of the UK through the literature on alternative approaches and stakeholder perceptions.

Development and function of Tobacco and Vapes register

No literature was identified in the review that specifically addressed the development and function of the Scottish Tobacco and Vapes register.

In interviews, we explored stakeholders' perceptions of the function of the register, their views on changes to the register in recent years and what they perceive to be the strengths and weaknesses associated with the register approach. Stakeholders had a varied understanding of the function of the register. Their perceptions of the function of the register included a way of understanding the availability of tobacco and nicotine vapour products, an enforcement tool to ensure retailer compliance and a method of tackling underage sales. Participants linked the development of the register to the Tobacco and Primary Medical Services (Scotland) Act 2010 which led to the implementation of the register in 2011, highlighting that it is a legal requirement to maintain a list of retailers selling tobacco products and subsequently nicotine vapour products, and discussed their views that the register had been introduced as a response to a call for licensing in Scotland and was seen as a compromise from the Scottish Government.

Participants also described the register as a type of monitoring system and enforcement tool for Trading Standards to tackle illicit sales, reduce young people's access to tobacco and nicotine vapour products and to ensure retailers comply with the law.

My perspective of it would be the purpose of the register is to try and stop unscrupulous retailers from selling these products. Obviously, with vapes I mean anybody can sell them really and we know that there's some kind of more criminal organisations involved in vapes and illicit products. So I think it's an attempt - and tobacco as well - I think it's an attempt to keep everything above board and just to have that check on certain retailers to just try and ensure that products are of the standard that they should be. (Academic stakeholder)

Participants described the register as a way to support enforcement officers to identify retailers in their local area and issue fixed penalty notices when retailers are non-compliant with registration requirements. However, in practice, barriers to the operation of the register were perceived as directly impacting enforcement (see section [on barriers and facilitators to the operation of the register](#)).

There was also a view that the function of the register was to help policymakers gain a better understanding of the availability of tobacco products and therefore better inform policy decisions and facilitate conversations with advocacy groups and researchers. Participants

reported that issues around the availability of tobacco products were previously not on the policy agenda, which instead focused on behavioural change, pricing and reducing the marketing of tobacco products. It was, however, noted by stakeholders that more is needed to see robust action on addressing availability in Scotland.

... a decade ago I don't think issues around the availability of products, of tobacco products was remotely on the policy agenda, it was very firmly focused on behavioural change around of course cutting out the marketing, radically reducing the marketing such as the point of sale legislation and it was quite soon after the Smoke Free Environment Legislation and pricing but availability really wasn't part of that conversation. So I guess that's changed, still a long way to go in terms of seeing some robust action on that but at least it's part of the conversations now around the next phase of reaching the tobacco end game in Scotland. (Academic stakeholder)

Changes to the register

Primary changes to the register that interview participants identified were the incorporation of the sale of nicotine vapour products and the change to the online portal used by enforcement officers to view retailers' registration information.

The expansion of the register to include nicotine vapour products was viewed positively and as relevant due to increase in sales of nicotine vapour products and their growing popularity among children and young people. This expansion was also viewed as beneficial in terms of supporting research to better understand the strategies of the industry.

Participants also discussed that a new online platform to support retailers and enforcement was introduced in response to challenges with the original online system regarding the accuracy of retailer information. However, there were participants who acknowledged that the new system addressed some of the challenges but that it has led to additional issues which have directly impacted upon enforcement (see section on barriers and facilitators to the operation of the register).

Strengths and weaknesses of the Tobacco and Vapes register

When discussing a retail registration scheme as an approach and the way that this has been implemented in Scotland, participants highlighted a range of strengths and weaknesses.

The fact that the register was implemented at a national level means that, when well enforced, the register collects comprehensive data on the availability of tobacco and nicotine products in Scotland and therefore supports research and develops a strong evidence base. Another perceived advantage was that the potential for the register to provide long term trend data to assess whether the implementation of control measures have an impact on the number of retailers selling tobacco and nicotine vapour products.

I think it is brilliant for enforcement, it is brilliant for academia and it shows therefore long term trend data you know, are these retail outlets still selling e-cigarettes now that we've banned disposables or has the number dropped?... and any measures that come in eventually ... fingers crossed, through the Tobacco and Vapes Bill, we may be able to see some trend impacts. (Third sector/advocacy group stakeholder)

Additionally, participants highlighted that a benefit of the register was that it gives enforcement officers the knowledge of retailers operating in their local authority and the Scottish Government the ability to communicate with these retailers directly. For example, retailers can be informed directly about changes to legislation and reminded of their responsibilities. Participants made a comparison with England, where they reported that individual local authorities may have some awareness of retailers but not to the same extent as in Scotland and not on a national level.

So there's a huge advantage there in having that list of people to contact and also because its national things can be consistent. There's a national register, as I say in England individual local authorities might have some idea of where their shops are but they won't have a full proper legitimate list like you have in Scotland, that's managed centrally which is definitely a major, major advantage. (Enforcement stakeholder)

The legal requirement for all retailers to register was seen by some participants as a benefit in the way that the register was implemented. However, weaknesses were also identified with requiring retailers to proactively register their business. Despite the requirement for businesses to provide, update and amend information, there are businesses who did not do this or provide inaccurate information. Others acknowledged that there would always be retailers who will not be compliant and that the self-reporting aspect of registering, without robust checks in place, makes the register susceptible to mistakes and exploitation.

Another perceived disadvantage to the current registration scheme was that it is unconditional and therefore, without conditions, would not help to reduce availability to improve public health outcomes. This is further explored in the section on the perceived impact of the Tobacco and Vapes register. Participants also highlighted that the register could not limit the type of retail outlets that sell nicotine vapour products, which can affect public perception through the normalisation of vapes and other products when they are widely available and sold in numerous types of outlets. For instance, there were participants who viewed nicotine vapour products as a smoking cessation method and questioned the messaging of having these products sold in places such as barber shops, takeaway outlets and American candy stores. Additionally, there were participants who said that being able to register at no extra cost would not disincentivise retailers from selling tobacco or NNP products.

Effectiveness of Tobacco and Vapes register

In this section, we set out findings from the literature review on the effectiveness of the Tobacco and Vapes register, and of tobacco retail registers more widely. We then explore stakeholders' perspectives on the impact of the register on retail practice, enforcement, tobacco and vaping behaviours and the policy climate, and discuss perceived facilitators and barriers to the operation of the register. Finally, stakeholders' suggestions for modifications to the Tobacco and Vapes register to promote its impact are presented.

Literature on the effectiveness of retail registers

No literature which directly evaluates the effectiveness of the Tobacco and Vapes register and which has been published since 2017 was found in the review. More widely, the literature on registration schemes suggests that they primarily provide a means to monitor tobacco retailers and allow spot checks of registered retailers to ensure compliance with tobacco retailer regulations or tobacco control policies. Tobacco retail registers also enable government to prohibit tobacco retailers from selling if they are convicted of violating these regulations or policies.

Investigation into compliance with registration schemes has indicated that these reduce the potential for tobacco retailers to trade without government oversight. Baker et al. (2022) investigated tobacco retailers in an Australian state with no registration scheme, comparing an existing database of tobacco retailers with potential tobacco retailers identified through online searches and verified through in-person visits. They found that of the original list of 93 tobacco retailers, 24% had either closed or were no longer trading tobacco. An additional 54 retailers not on the original list were identified through online searches, accounting for 43% of the final list of tobacco retailers currently trading. This shows that a high proportion of tobacco retailers were unknown to the government and therefore could have been trading without governmental or public health oversight.

Fry et al. (2017) conducted a similar investigation in another Australian state which had implemented a registration scheme. They found that a much lower percentage, about 10% of their sample, were unlisted or unregistered tobacco retailers, demonstrating the importance of a registration scheme in reducing the potential for tobacco retailers to operate without governmental oversight and enabling government to ensure compliance with tobacco control regulations and policies.

However, evidence from the Society of Chief Officers of Trading Standards in Scotland (SCOTSS) demonstrates that, despite the potential for registration schemes to be used for ensuring compliance, this is not reflected in their key figures. SCOTSS (2025) found that, although the number of premises selling tobacco had declined, only 3.7% of premises were visited for test purchases for violations of age restriction legislation, compared with the target of 10%. The failure rate on these test purchases was 14.3%, or one in seven, an increase from 2023/24. SCOTSS (2025) reported that more than half of local authorities did not conduct any test purchasing. Similarly, for vapes, one in five retailers was found to be willing to sell vapes to under 18s, again an increase from 2023/24.

Although evidence on the implications of tobacco registration schemes is limited, sources which address this often note the potential impact of registration schemes, for example, the impact on retailer density and potential for their use in ensuring compliance with tobacco control policy. Baker et al. (2022) propose that a more accurate database of tobacco retailers would allow researchers and government to determine whether further research or tobacco retail policy development is needed.

Caryl et al. (2021) investigated the potential impact of the addition of conditions to the retail register in Scotland, for example by capping the number of retailers per 1,000 population, requiring minimum spacing between tobacco retailers, and restricting tobacco sales to particular types of retailers (e.g. supermarkets, pharmacies). Their modelling found that more

restrictive conditions such as limiting tobacco sales to a single outlet type were most effective in reducing retailer density. However, some conditions, while reducing retailer density, increased inequalities by area deprivation. Caryl et al. (2021) note the importance of balancing density reduction and inequality reduction when considering tobacco control policies associated with registration schemes. They found that policies such as removing outlets that are more prolific in disadvantaged areas, allowing sales at supermarkets only, and prohibiting tobacco sales within 300m of child-centred spaces would reduce both overall retailer numbers and outlet density, and could reduce inequalities in tobacco retailer density.

A number of authors propose other conditions which could be added to the Tobacco and Vapes register, citing the potential impact of these on public health. For example, NCD Alliance Scotland (2022) calls for making registration conditional on adherence to age restriction laws and the importance in conditions in order to react to the development of new nicotine products, therefore protecting children and young people. The NCD Alliance Scotland argues that a conditional register would improve enforcement of tobacco control regulations without the need for additional legislation, and cites evidence that there is strong public support for stricter enforcement of age restriction policies.

Stakeholders' perceptions of the impact of the Tobacco and Vapes register

In interviews, participants had mixed views on the impact of the Scottish retail register on a range of areas. Overall, participants reported that the register was likely to have a greater impact on academic research and enforcement, and minimal impact on public health outcomes and the policy climate.

Impact on retail practice and enforcement

As it is a legal requirement for all retailers selling tobacco and nicotine vapour products in Scotland to register, participants generally believed retailer compliance to be relatively high. Participants involved in academic research who have used the register highlighted that retailer compliance was high in terms of registration but perceived to be getting weaker over time, which they suggested is due to vapes stores not registering because they are unaware of the requirement. Through their research, they identified cases of inactive businesses remaining on the register, businesses that were labelled as inactive on the register but were still selling products, as well as businesses selling nicotine vapour products that were not on the retail register. However, there was acknowledgement that not all retailers will comply and the self-reporting nature of the registration application may lead to some retailers taking advantage of this by either not registering or providing inaccurate information.

No I think that as I mentioned before I think they're probably not going to have a huge amount of impact on criminals. But if it brings up the general performance in the marketplace so that Trading Standards can focus on the illegal and they do in Scotland...I mean they do across the country but I know they do a huge amount of work tackling illegal tobacco in Scotland. (Enforcement stakeholder)

Participants also described that there was value in having a government register to support retailer compliance. For example, there were participants who believed that retailers would be more motivated to sell legitimate products and that the register indicates to them that there is

an element of vigilance associated with these products. Additionally, the register also allows for direct communication with retailers on a national level regarding changes to legislation or reminding them of their responsibilities compared with England in which individual local authorities are responsible for communication. The register has built-in e-notification functionality which allows the Scottish Government to share any policy changes that may impact a business in real time to the email address which was shared as a required part of the registration process.

I think it comes down to the fact that the retailer will probably be more motivated to sell legitimate products if they're on some kind of government register. I think that's one of the key things. Obviously, some retailers will still do things a bit more underhand but I think that's one area where it is of benefit. (Academic stakeholder)

Participants working in enforcement highlighted instances of retailers who were not on the register. In these cases, enforcement officers would carry out visits to emphasise the need to register and explain the consequences of ignoring this requirement. There were participants who said that the register provided a reason for enforcement officers to visit shops, but it was the visits themselves that ensured and increased retailer compliance.

For participants not involved in enforcement, the register was perceived to be helpful for enforcement officers as it provides them with a list of retailers selling tobacco and nicotine vapour products and helps them to take action against those who are non-compliant. Although participants had described the function of the register as an enforcement tool, there was recognition that limited budget and resources would impact the ability to meet enforcement demands on a national level.

Impact on academic research

Stakeholders perceived there to have been a clear impact of the Scottish register on academic research. When the register was first introduced, the data available had allowed for academic researchers to explore tobacco availability on a national level. The addition of nicotine vapour products to the register had also enabled researchers to expand areas of research to explore a broader range of nicotine products beyond tobacco.

I think it's been a really quite useful resource for the academics and valuable and we've got...as a result we've got a much better picture of what's going on in terms of availability than without it. It would just be a complete mystery so I think that's really good. So the register provides a picture. (Public health stakeholder)

Participants who used the register for research purposes have described the register as a welcome addition which had been widely used in a number of contexts, including examining retail availability in different communities in Scotland. Academic stakeholders in interviews described the register as a good starting point, but stated that observational work had then helped to better understand availability and address gaps related to missing and inaccurate information on the register. Additionally, participants shared that there were no comparable studies conducted in the rest of the UK to the research conducted using the Scottish register. This was attributed to the difficulty of collecting data in other UK countries of the type and standard which is available through the Tobacco and Vapes register due to the lack of a licensing or registration scheme.

Although the register had been useful in terms of research, participants also acknowledged challenges of the operation of the register which impact research such as duplicate information, as well as inaccurate and missing data on the register. Participants also acknowledged that the register did not account for the changes in the availability of nicotine products, such as novel products and alternative methods of accessing these products. For example, there were participants who highlighted that the ways in which people purchase tobacco and nicotine products has changed, such as increasing digital availability and deliveries of nicotine products rather than traditional ways, such as shop visits.

So I think that the register needs to be alive to these sorts of changes and not end up falling into a sort of very traditional view of things and then solving a problem that actually doesn't exist anymore because everyone has moved on and is doing something else. (Public health stakeholder)

Participants reported that research had also helped to inform policy decision making to some extent. There were participants who highlighted other relevant research areas of interest, particularly related to health outcomes. This included exploring the links between people who consume tobacco and other nicotine products and health impacts, including non-respiratory health impacts, and exploring health risks associated with non-nicotine vaping.

I guess...well it depends on our matrix of success, I mean in terms of our very narrow perspective on it which is you know a research database it's been a very welcome addition, it's been widely used, we've widely used it in a number of contexts, a number of research projects, so it's certainly a valuable resource but I guess if the success is measure against what impact has it had in terms of affecting the tobacco control landscapes, certainly in terms of policy it's been very modest. (Academic stakeholder)

Impact on public health

Overall, participants perceived that there has been no direct impact of the register on public health, including tobacco and vaping behaviours in Scotland. There was a perception that the overall approach to tobacco control including the register, in tandem with restrictions related to marketing and advertising, price, enforcement and the ban on disposable vapes has made an impact on tobacco and vaping behaviours rather than the register itself.

I think with tobacco and nicotine regulation you can never just do one thing. You have to do a lot of different things, so banning disposables, stopping TV advertising, enforcement, all of these things work together, price, so...I think overall there has been an impact, I'm not sure I could attribute a fraction to this particular measure. (Third sector/advocacy group stakeholder)

Stakeholders discussed their perception that smoking behaviours have reduced among younger people, but that this has likely been replaced with vaping.

Impact on policy climate

Interview participants perceived the Tobacco and Vapes register to have had minimal impact on the overall policy environment relating to tobacco and vape control measures. There were participants who highlighted that research using the register has provided a stronger evidence base, including how availability of tobacco and nicotine vapour products affects behaviour,

and therefore can better inform policy decisions related to availability and access. However, there was a perception that this has yet to have any lasting impact in terms of the policy landscape.

I think having a register gives policymakers an accurate idea of how many outlets are selling tobacco and it gives the opportunity to hopefully depending on what information is collected, hopefully direct communicate with those retailers. So I think there will be definite benefits, I just don't think it will contribute to Scotland's overall goal of reducing availability of tobacco. So in terms of policy, yeah at least you know who your audience is when you're thinking who...what does the retail community look like... (Third sector/advocacy group stakeholder)

There were also participants who raised differences in the tobacco control policy environment between Scotland and England, with the example given of Scotland having a legal requirement for retailers to have a written age verification policy in a specific format which must be made available to enforcement officers on request. This also allows for checks of premises to show their age verification policy and helps to reduce underage sales. While the existence of the register may not directly impact the introduction of this policy, it enables proactive enforcement. Stakeholders thought that this proactive enforcement was more difficult to conduct in England due to the lack of both a register and the legal requirement to provide a written age verification policy.

So within each local authority you can go on the register, you can see your premises and you might say well I'm going to check 10% of the premises this week or this year and you can go and you can say show me your age verification policy because it's a mandatory responsibility to have an age verification policy. We don't have that in England and we don't do that proactive enforcement. We only react to intelligence when we get so and so is selling to a child you know. (Enforcement stakeholder)

Barriers and facilitators to operation of the register

Participants identified a number of barriers which they perceived prevented the register from achieving a greater impact on enforcement, research, public health and policy.

Inaccuracy of data

The most commonly identified barrier was the quality and accuracy of the data contained in the register. Both enforcement and academic participants highlighted issues with data accuracy, giving examples of incorrect or incomplete addresses, postcodes and local authorities, duplicate entries and inconsistent use of categories for the type and size of premises. Inaccuracy of data was highlighted as a particular barrier to effective enforcement and enforcement stakeholders raised issues with the online platform used by officers to access retailer information on the register, such as ineffective search functionality and misleading information on the dates of changes to retailers' accounts. The fact that information submitted to the register as part of an application was not verified by the Scottish Government was seen as putting the onus on Trading Standards to ensure that inaccurate information is corrected, and there was a sense that regional differences in resource means that there are variations by local authority in the extent to which the accuracy of the register is proactively monitored. Enforcement stakeholders expressed frustration at changes to the

online platform which had been instigated by the Scottish Government and at the pace of improvements to rectify the issues they had identified.

Anyone can put in any old information and it's accepted because it's a register. So some of the information is okay but some of it we just...you can fill in any old information you like. (Enforcement stakeholder)

...my main issue is the accuracy of the data, the confusion of the data that's in there and it just isn't user friendly and it makes enforcement extremely difficult. I think a registration scheme is appropriate if it worked properly. (Enforcement stakeholder)

Challenges did not only apply to ensuring businesses were registered but also affected enforcement officers' ability to issue fixed penalty notices within the required timeframe. The inaccuracy of information on the register, such as a lack of clarity as to the person who is legally responsible for the business, has led to a lack of confidence in the information provided and delays to issuing fixed penalties.

Lack of historical data

From the point of view of the academic stakeholders, that the Scottish Government does not make available a historical record of the register was seen as a barrier to research on changes to the number and types of retailers on the register over time, or evaluation of the impact of tobacco control policies on retail availability. Academics reported having to rely on their own saved versions of the register from previous years. The Scottish Government does retain a historical record of all registrations in the register.

Unclear framing of the register

More generally, a lack of clarity of the purpose of the register was seen as a barrier to public health and policy outcomes. Participants suggested that the original purpose of the register had been lost and it was now considered to be a tool for enforcement or simply a list of retailers, rather than a tool to reduce supply of tobacco products.

I'm not sure it's made explicitly clear to the retailer what that information...what the purpose of that information is, how that will help with public health policy, how it helps with compliance and what the ambitions might be in the future. (Academic stakeholder)

Accessibility and language issues

Finally, the process to apply to be listed on the register was seen as not particularly user friendly, with issues raised around the accessibility of the language and confusion between registering for a ScotAccount (the Scottish Government's platform to access public services online) and applying to the Tobacco and Vapes register. Particular examples were given of confusion on the part of applicants between being a "mobile premises" (a mobile vehicle), or a shop which sells mobile phones, with mobile phone retailers frequently completing the wrong part of the application. Issues were also identified with the categories of shops included in the register in that these are inconsistently understood and applied, with examples given of small convenience stores registered as supermarkets, and cafes which are selling vapes registering as convenience stores as there is not an option which described their type of outlet.

It's just those categories are blurring and the register doesn't reflect that. I don't have an answer for how it should be. But the register doesn't always reflect the kind of store that that is. (Academic stakeholder)

Supporting communication with retailers

Very few facilitators of impact were identified by stakeholders. However, the fact that the register is operated at the national level was seen to allow for consistent communication and messaging direct from the Scottish Government to retailers, improving compliance with age verification and any changes to policies.

Suggested modifications to the Tobacco and Vapes register

Stakeholders tended to suggest two types of modifications to the Tobacco and Vapes register to improve its effectiveness. Firstly, we describe the operational changes which were suggested to improve the register in its current form. Secondly, we discuss the more fundamental changes which were suggested to the overall approach and model of the register.

Operational changes to the register

Participants suggested modifications to the type of data and the way in which it is collected which they felt would improve its accuracy and increase the impact of the register on research and enforcement.

Improving accuracy of data

The most common suggestion was the introduction of address verification. This is commonly used on websites where participants enter their postcode and select the correct address from a drop-down menu. It was suggested that this would reduce issues with participants entering the wrong or no street address or the incorrect local authority. Participants suggested that clearer guidance on the different meanings of the types and sizes of businesses in the register and who should be named on the register as the legally responsible person would help retailers to complete the application more accurately. A further layer of verification such as live checks of the information given in the register by the Scottish Government was suggested, but it was acknowledged that this would require significant resource.

I think it needs to be done so it's based on the premises, what's the premises, what's the name above the door, what's the address, who owns it and what's the contact details of the person that registered, the email address, phone number and there has been some form of check on some of the information, namely the address. (Enforcement stakeholder)

Additional retailer information

Academic stakeholders suggested the collection of additional types of information that would better support academic research and therefore better inform policy decisions. These included the proposal that the Scottish Government should maintain and make available a historical record of the register which could be used for research, as well as the introduction of additional information fields such as information on volumes of sales, costs associated with

selling tobacco and nicotine products, portfolio of products in store, types of products sold, and age profile of customers.

We know a retailer is selling tobacco, we've got no idea are they selling tonnes of it, are they selling one pack a month. We've just got no sense of that from the register. Those are vital things I think if you're trying to develop policy, if you're trying to do research that understands the strategies of the industry. (Academic stakeholder)

Expansion of the register

Finally, it was suggested that products included under the register should be expanded to reflect the rapidly changing market and include all new and emerging nicotine products. There was also discussion of the importance of ensuring that online sale outlets were included in the register. It was unclear to stakeholders whether online sale outlets were included in the current register and their perception was that this was not the case. The Scottish Government has confirmed that any business located in Scotland and wishing to sell vapes is required to register to allow them to sell these products, including online sellers, and that those retailers who operate as an online business only are required to provide all information similar to registering physical premises.

So I think that the register needs to be alive to these sorts of changes and not end up falling into a sort of very traditional view of things and then solving a problem that actually doesn't exist anymore because everyone has moved on and is doing something else. (Public health stakeholder)

Policy and approach

Applying conditions to the register

Stakeholders commonly suggested that conditions could be introduced to the existing register. A conditional register would provide a statutory mechanism to allow for the addition of future regulatory measures on the sale of vaping and tobacco related products. Participants suggested a number of different conditions which could be introduced, such as creating buffer zones around schools within which shops are prohibited from selling tobacco and vapes, the introduction of maximum and minimum pricing, and density control approaches such as de-clustering retailers in more deprived areas. These were similar to those explored in the literature. The register was perceived by some as a stepping stone towards further control over the supply of tobacco and nicotine products but that conditions on the register were needed to make any significant public health impact.

It would make it way easier if they had added the widget to make it conditional. At the moment its unconditional so it's in a kind of limbo where it's terribly useful for enforcement and tracking trends in academia and finding out, reporting your local retailer if they're selling unregistered or breaking the law. So it's very, very good for intelligence, it's very good for enforcement but we need more. (Third sector/advocacy group stakeholder)

...an obvious one would be again around schools, like is done in a number of other jurisdictions...it's kind of daft that a newsagent right next to a secondary school or a

primary school sells...can sell tobacco products, that seems a bit of an oddity.
(Academic stakeholder)

Stakeholders addressed the lack of clarity around the purpose of the Tobacco and Vapes register which was highlighted as a barrier to effectiveness as, for example, retailers may see the register as a bureaucratic requirement rather than a policy which supports public health. They suggested that the purpose of the register as a mechanism to reduce the supply of tobacco (and potentially all nicotine products) should be clearly communicated to both retailers and the public, and highlighted potential concerns regarding the influence of the tobacco industry in opposing the introduction of conditions on the register through lobbying politicians and putting out messages via marketing and their sales representatives that conditions on the register to reduce the supply of tobacco and vapes products would be taking away choice from consumers. It was also suggested that ministerial support for conditions would be essential and that research was needed to establish the potential impact of conditions on public health, business and the Scottish economy to counter likely arguments in parliament which may derail the introduction of additional measures.

Participants made clear that any conditions on the register should be introduced as part of a coherent policy approach alongside a suite of other measures such as rising age of sale and restrictions on product packaging and advertising, and that conditions on the register introduced in isolation would have a limited impact. It was also suggested that evaluation of any conditions introduced should be undertaken and that the Scottish population should be provided with feedback on the impact of this on sales, tobacco and NNP use and health improvements.

But yeah I do think there needs to be a slightly clearer strategised approach rather than just picking measures, specific measures. (Academic stakeholder)

So yeah I would say a good starting point 15 years back but if they have to meet the end game goal we need to have much more stronger supply side, retail control measures if we want to achieve the reduction in consumption. (Third sector/advocacy group stakeholder)

Applying a fee to the register

A number of participants suggested the introduction of a fee for retailers, either as part of the existing Tobacco and Vapes register or as part of a licensing scheme. To have a greater impact on public health, participants have emphasised the need to reduce availability of tobacco in particular and suggested appropriate fees for retailers should be in place to address this. A fee was seen to act as a disincentive for retailers to sell tobacco and nicotine products by making these items less profitable and it was proposed that the funds raised from the fee could fund Trading Standards to carry out enforcement activity. It was suggested that the fee should rise in line with inflation.

So I think there needs to be appropriate fees in place otherwise you're just going to continue with the same level of availability of tobacco as you always have, it's not going to have any impact... (Third sector/advocacy group stakeholder)

Adopting a licensing scheme in Scotland

There was also a perception that a licensing scheme should be introduced as the language around a 'licence' has stronger connotations than a 'register' and implies that the product is harmful and has risks. It was suggested that a licensing scheme could help to address young people accessing vapes, as this may help ensure retailers are more cautious in terms of age verification.

I don't know in terms of a public health benefit if it has...the current system has much benefit because we know that young people can access vapes through shops. So the current register isn't stopping that from happening. A licensing scheme might...it's not going to stop young people from accessing vapes completely, but it might just help to ensure retailers are more careful about who they sell to. (Academic stakeholder)

Separation of schemes for tobacco and vapes

There was some discussion regarding whether tobacco and other nicotine products such as vapes and nicotine pouches should require the same licence or fee structure, or be licensed separately. There was a view that using the same register for tobacco and vapes acted as an incentive for retailers to stock tobacco in addition to vapes and that different costs should be associated with licences for these products to reflect differing levels of harm. However, other interviewees expressed a different view, citing the relative novelty of vapes and other NNPs and the evolving nature of the evidence base on their potential risks.

...if you're actually creating an incentive for people to stock tobacco where they would otherwise just stock vapes then that's clearly not in the best interests of public health as well. (Public health stakeholder)

So I mean a beefed up register with more teeth, with a disincentive to apply and ideally that would separate tobacco from vapes...that would be a good...a positive step for Scotland. (Third sector/advocacy group stakeholder)

Transferable lessons for a potential registration or licensing scheme in England

In this section, we review the evidence from the literature review regarding the approaches taken to tobacco and nicotine retail control measures internationally, and then explore proposals and considerations for a potential registration or licensing scheme in England drawn from the stakeholder interviews.

Literature on alternative approaches to tobacco retail control

The literature on tobacco control approaches used in regulating tobacco retail suggests some important considerations and alternative approaches which are relevant to the development of a potential registration or licensing scheme in England.

It has been established across the literature identified in the review that tobacco retailer density is associated with smoking behaviours such as current smoking, lifetime smoking, and smoking cessation. Increased density of tobacco retailers is associated with difficulty in cessation attempts and decreased cessation attempts (Chaiton et al., 2018), and with current smoking in both adults and adolescents (Travis et al., 2022; Glasser & Roberts, 2021). It is also well established that tobacco retailer density is higher in more disadvantaged areas and areas with higher proportions of ethnic minority residents, with retailers in these areas more likely to breach in-store regulations (Canty et al., 2024; Fry et al., 2017; Glasser & Roberts, 2021; Lawman et al., 2020; Melody et al., 2018). There is also some evidence that more disadvantaged areas have higher vape retailer density, with one study finding that over half of vape retailers in one Australian city were located in the most deprived areas (Scott et al., 2023). These findings highlight the importance of considering health inequalities and deprivation in development of any tobacco retail control initiatives in the UK.

Although test purchasing is not routinely carried out on online retailers at present, evidence from academic studies from the USA suggest that there is low compliance with age restriction legislation among online tobacco and vape retailers. Studies from Bertrand et al. (2025) and Williams et al. (2017) investigated the effectiveness and stringency of age verification processes in online tobacco and vape retailers, with Bertrand et al. (2025) finding that approximately three quarters (76%) of online vape retailers allowed customers to pass age verification checks by manually selecting a date of birth or selecting a '21 or older' option to access the website. Williams et al. (2017) investigated online tobacco retailers, finding that although only one-third (32.4%) of underage cigarette purchases resulted in underage customers receiving the cigarettes, none of the failed purchases were due to age or ID verification, instead failing due to payment processing problems. The inclusion of online retailers may require consideration in the development of a registration or licensing scheme for England.

Fee-paying licensing schemes facilitate government oversight and enforcement of tobacco control policies (Baker et al., 2022), and provide leverage for control and enforcement, with government bodies able to use licence availability and fees to control retailers and generate revenue for tobacco control (Kuipers et al., 2022). The effectiveness of fee-paying licence schemes is reflected in their popularity, with nations across the world implementing these schemes (Canty et al., 2024). Compared with the literature on retail register schemes, the literature on licensing schemes provides a more comprehensive overview of their implications

and effectiveness and has shown that implementation of these schemes is associated with reductions in tobacco retailer density and tobacco and e-cigarette use. For example, a case study of a US city pre- and post-implementation of a licensing scheme showed a 21% decline in tobacco retailer density three years after the implementation of a tobacco retailer licensing scheme, with greater declines in lower income areas (Lawman et al., 2020).

This is also demonstrated by Ziesing et al. (2023), who compared retailer density in South Australia before and after a significant increase in tobacco licence fees, and 11 years after this. They found that the increase in annual tobacco retailer licence fees led to a 24% decline in the number of licences in the following two years, but tobacco retailer density reduced only incrementally in the 11 years since, during which fees were only raised slightly. Ziesing et al. (2023) also found that tobacco retailer density reduced proportionately across all levels of area deprivation, meaning that those in the most deprived areas continued to have the highest tobacco retailer density.

Similarly, Kuipers et al. (2022) noted a European example in Hungary's licensing system, which requires retailers to submit an application which includes a business plan, and pay a licence fee, after which licences are auctioned. Licences are restricted to one licence per 2000 residents, and retailers are heavily fined (up to \$2.2 million (US)), depending on retailer revenue) if found selling tobacco without a licence. The implementation of this licensing scheme significantly reduced the number of tobacco retailers in the country (from 40,000 to 6,300 between 2013 and 2016) (Canty et al., 2024; Kuipers et al., 2022).

The efficacy of implementing a licensing scheme in reducing tobacco retailer density in Scotland was explored by Valiente et al. (2024), who modelled the effects of three different types of licensing scheme on tobacco retailer profits in Scotland: a universal (flat) fee, a volumetric fee (per unit), and an urban/rural differential fee. They modelled fee levels ranging from 10% of retailers' median profits up to 100%, and found that the universal scheme consistently led to the highest proportion of retailers likely to make a loss at all fee levels. The effect of these fees on profit reduction differed by rurality and area deprivation. Retailers in rural areas and areas of lower deprivation suffered greater profit reduction due to fees than those in urban or highly deprived areas. Valiente et al. (2024) proposed that this could be due to the fact that retailers in urban or highly deprived areas have higher sales and profits from tobacco which absorb the cost of the fees. They also suggested that this disparity could perpetuate existing health inequalities by socioeconomic status.

Valiente et al. (2024) found that volumetric fees and urban/rural differentiated fees did not reproduce this geographical disparity in their modelling study, but these fee schemes were less effective in reducing tobacco profits among retailers. The authors noted that a combination of approaches (i.e. a moderate universal fee which varies by urban/rural status combined with an additional volumetric fee) could be effective in reducing tobacco profits and subsequently tobacco retailer density without perpetuating inequalities.

This proposal is supported by evidence from Melody et al. (2020), who conducted qualitative interviews with former tobacco retailers in Tasmania, an Australian state which requires a licence to sell tobacco. Low profitability of tobacco was commonly cited as a reason for licence cancellation among retailers, along with concerns about security (i.e. due to fears over or experiences of burglary), and the additional burden of compliance with tobacco licensing regulation.

Valiente et al. (2024) also suggested that non-fee based interventions such as financial or tax incentives to give up tobacco sales may further encourage retailers to cease tobacco sales. Smith et al. (2022) conducted qualitative interviews with tobacco retailers in Tasmania who had been part of an intervention which aimed to encourage tobacco retailers to surrender or not renew their tobacco licence. Retailers were sent a number of materials focusing on the business benefits of ceasing tobacco sales, case studies of businesses which had ceased tobacco sales, and information on misperceptions about ceasing tobacco sales. Retailers were also offered free promotion of their business by the Cancer Council Tasmania (CCT), a government commissioned not-for-profit organisation, if they did not renew their licence. 11% of retailers who were part of the intervention ended tobacco sales, with qualitative data suggesting that the intervention served as a reminder and prompt for retailers to re-evaluate the profitability of selling tobacco.

The cost of tobacco licences was also noted as a key reason for ceasing tobacco sales. Watts et al. (2020) collected open-ended survey data from tobacco retailers in three Australian states, one with a fee-based licensing scheme and two without. They found that in the state with a fee-based licensing scheme, tobacco licensing and the cost of the licence were commonly cited as a key reason for stopping or reducing sales of tobacco (Watts et al. (2020)). This was not cited in the two non-licensed states. This supports the view that an annual licence fee may limit numbers of tobacco-sale outlets. Contrary to this evidence, Burton et al. (2021) compared tobacco retailers across three states in Australia with different licensing schemes (no licensing or registration scheme, a no-fee registration scheme, and an annual fee-based licence) and did not find that a licensing or registration scheme had a significant effect on tobacco retailers' choices to sell or stop selling tobacco. However, the authors argue that this is likely due to differences in population density across the three states, stating that their results do not necessarily support current evidence on the effectiveness of licensing or registration schemes.

Licensing schemes in combination with penalties have been shown to be associated with reductions in tobacco use in the USA. Astor et al. (2019) investigated tobacco use among young people in areas with and without licensing schemes which required retailers to pay annual licence fees and included a graduated penalty system for those who do not comply with legislation, with penalties such as fines or licence suspension or revocation. Tobacco use among young people was lower in areas with licensing schemes with annual fees and graduated penalties for violations. Evidence from Azagba et al. (2020) demonstrates similar effects of retail licensing on electronic vapour products use in adolescents. They compared use of products including e-cigarettes, e-cigars, e-pipes, vape pipes, vaping pens, e-hookahs, and hookah pens at two time points across three states in the USA. One of the states introduced a fee-paying licensing scheme between the first and second time point. Their analysis found that although vape use decreased in all three states, the introduction of the licensing policy was significantly associated with a reduction in use of electronic vapour products, which dropped by 12.8 percentage points between the two time points, compared with 7.2 and 5.0 percentage points in the other two states. This evidence suggests that the effectiveness of licensing schemes in reducing tobacco use may also be applicable to use of vapes and other products.

Overall, this evidence suggests that in a fee-paying licensing scheme, larger fees, fee increases, or a combination of licence fees with other tobacco control policies may discourage retailers from selling tobacco or encourage retailers to re-evaluate their decisions to sell

tobacco. Evidence from Hungary (Kuipers et al., 2022) also suggests that the implementation of a licensing system with the aim of reducing the number of tobacco outlets and preventing adolescent tobacco use, rather than with economic aims, is key to reducing the number of tobacco retailers successfully. Kuipers et al. (2022) also note the importance of strong political will in successfully implementing the licensing scheme in the face of civil and retailer opposition.

Stakeholder perceptions on considerations for a tobacco and vapes retail control scheme in England

Stakeholders identified a number of elements which should be considered in the development of a potential registration or licensing scheme in England, including ensuring that the objective and any intended outcomes are clearly communicated, that the scheme is part of a coherent policy approach, that the scheme is enforceable, whether a registration or licensing model is more appropriate, whether fees should be applied for licensing or registration, and whether the scheme should be implemented at national or local level. These considerations are explored in more detail below.

Clarity of objective and position in wider policy landscape

The consensus of the stakeholders was that the introduction of a registration or licensing scheme should be implemented as one of a wider suite of policies that form a coherent strategy working towards the Smokefree 2030 ambition for England and the corresponding strategies in the rest of the UK, as well as new policies which are to be implemented following the additional powers which will be introduced through the Tobacco and Vapes Act related to advertising and display of products, introduction of plain packaging and smoke and vape-free spaces. Stakeholders felt that the introduction of a registration or licensing fee alone would not have a substantial impact, and cited the lack of demonstrable impact of the register in Scotland as evidence for this.

I'd really like to see reducing the supply of tobacco is seen as the missing third prong in terms of a coherent tobacco strategy and this is a clear mechanism for getting to that point and therefore meeting the 2032 [sic] targets. (Academic stakeholder)

So you need to have these things come together, you need to raise the age of sale but you also need to address availability and you also need to look at the price of these products. (Public health stakeholder)

The need for the introduction of any registration or licensing scheme to have a clear and well-communicated aim and specific outcomes associated with it was commonly highlighted by stakeholders as a key consideration for any new measure. There was general agreement that the aim of a licensing or registration scheme should be to reduce or ultimately phase out the supply of tobacco, an aim which is not stated in the Tobacco and Vapes Act. A stronger emphasis on preventing uptake of tobacco and other nicotine products among young people was also suggested. There were some differences of opinion expressed as to whether phasing out vapes and other nicotine products should also be included as some stakeholders considered them to be valuable in supporting smoking cessation whereas others raised concerns about their use by young people. Participants made comparisons with the introduction of alcohol licensing, which they felt has not been successful in reducing the

availability of alcohol and counselled against adopting a similar model for tobacco and nicotine products.

...there's a slight kind of logic gap between wanting to have a smoke free or tobacco free generation in which non-smoking is normal but then selling tobacco in every shop in the country. (Public health stakeholder)

Opinions also differed as to whether the aim of a licensing or registration scheme was clearly articulated in the Tobacco and Vapes Bill which, at the time of fieldwork, had not been passed into law. One stakeholder reported feeling that the aim to reduce the availability of tobacco is not clearly stated within the Bill, while another felt that clear objectives have been set out for the English licensing scheme around public health and crime, but that objectives around young people's health could be strengthened.

I think one of the issues to do with the legislation and the way it's written is it's not exactly clear what the purpose of this element of the Tobacco and Vapes Bill is for me. In my mind if I'd been writing the legislation I'd have been saying availability is an issue and it's something which needs to be tackled in order to reduce prevalence. (Public health stakeholder)

We would say that there needs to be a young people's objective as well in terms of protecting young people so that is kind of clear. (Third sector/advocacy group stakeholder)

Stakeholders gave examples of approaches used in other countries which they felt had been successful in reducing the supply of tobacco. However, it was noted that these approaches had not always been evaluated robustly. One example given was the approach taken in New Zealand, which was subsequently repealed after a change in government, to reduce retail availability of tobacco products and smoking prevalence. The measures included rising age of sale, substantially reducing the number of retail outlets selling tobacco and mandating only low nicotine levels in all tobacco sold. Although the UK had also implemented a rising age of sale, there were participants who thought it was a weak measure on its own and that it requires more immediate measures to support it, such as conditions on the existing register or introduction of a licensing scheme to allow for effective enforcement.

I think it is a good thing, but I also think it's a weak measure if you don't accompany it by more immediate things because its long term, it's going to create chaos for enforcement. It's going to be confusing for retailers and it puts the focus on the consumer not on the product which is where it should be. So if we had a conditional register or a retail licensing scheme, we could have penalties that were effective. (Third sector/advocacy group stakeholder)

The need for clear and direct communication of the aims of a registration or licensing scheme to those affected by its introduction was also highlighted. Stakeholders felt that there was already strong support among the public for the sale of tobacco and vapes to be licensed, particularly when this is framed around preventing uptake among young people.

People really feel quite strongly that this should be something that's licensed and they're rather surprised that it isn't. So again if you look at public health actions you might want to take for tobacco control, you're looking at things that are effective but also enforceable, cost effective, feasible, popular with the public. I mean this is one of those that has a lot of those things going for it. (Public health stakeholder)

The approach to framing of licensing taken in Finland was given as an example, whereby their stated goal and licensing measures were driven by their strategy to reduce youth prevalence. There were participants who suggested that the UK government should consider how to frame licensing to ensure public acceptability and support, stating that it should be focused on youth prevention and provide clarity on the intended end goal of the measures being implemented.

... as a policy tool how do we make licensing...how do we frame it to be meaningful for communities and I think it's through the youth prevention lens and Finland is a classic example you can look at. (Third sector/advocacy group stakeholder)

Retailers were identified as another group which would require clear communication of the aims of a registration or licensing scheme, as an aim to reduce the availability of tobacco and potentially other nicotine products would directly impact their businesses.

...yeah I think retailers will be a challenge but we need to work with them to ensure that they understand what's happening and are given lots of lead in time to prepare. (Third sector/advocacy group stakeholder)

Finally, stakeholders identified the need to carefully consider communication with the wider retail and tobacco industries and the media, highlighting the lobbying influence of the tobacco industry and the need to counter this. One stakeholder suggested that the tobacco industry is anticipating greater regulation and is putting resources into media engagement to counter this and mobilise public opinion, and that this should be considered in the framing and messaging around the introduction of a registration or licensing scheme, particularly one which is introduced with the aim of reducing the supply of tobacco and potentially other nicotine products.

...our long term goal is to get rid of smoking and I think too often it's about protecting legitimate business but we shouldn't be protecting the tobacco market or the tobacco industry's profits. (Third sector/advocacy group stakeholder)

So it feels to me like we have very well mobilised and well-funded hostile media out there now to a degree that...I know the tobacco industry is legendary for its disinformation and interference, it feels like that's being mobilised quite a lot now, possibly because they realise these other things are going up so there is a real strategic and tactical challenge around... (Public health stakeholder)

Enforceability of registration/licensing scheme

Stakeholders, particularly those working in enforcement, emphasised the need for any new registration or licensing scheme to be enforceable. They argued that the scheme must be underpinned through effective legislation which gives enforcement officers the powers to enforce regulations, and that this element must be properly resourced. There was a call for clarity on how enforcement for any new scheme would be funded, and transparency on how this would be spent in England and in the devolved nations. Participants pointed to the increased workload for local authorities in setting up and administering a new scheme which must be adequately resourced, and expressed concerns that this would draw focus away from tackling illicit tobacco sales.

...this is going to be a hugely regulatory burden on local authorities and they need to be given the resources to be able to make it happen because if they're not able to enforce it then it's not worth the paper it's written on. (Third sector/advocacy group stakeholder)

So if you don't get the enforcement right, both capacity and budgets and clarity of instruction for retailers and penalties if needed, the whole thing falls apart and it was basically an expensive showpiece that means nothing because it's not enforced. (Third sector/advocacy group stakeholder)

But if we get sucked into trying to manage the system rather than focusing resources on the crime I think that would be a real disaster. (Enforcement stakeholder)

Participants also discussed international approaches to retail enforcement. They discussed how other countries have used a multi-agency approach and concluded that the inclusion of multiple agencies would achieve better results in terms of enforcing legislation compared to having a single responsible agency. One example given was India's approach to regulating the sale of tobacco products to minors, which included bringing in engagement from the education department, police, and enabling school principals to report underage sales in their local area. Participants also emphasised the need for there to be appropriate allocation of funds for enforcement to have any impact.

...one of the lessons is the more agencies you engage in enforcement than just limited to one dedicated agency, you tend to have better results because... you could say that responsibility could get divided... (Third sector/advocacy group stakeholder)

...you're creating much more community driven mechanisms than just one Trading Standards Officer enforcing that legislation. (Third sector/advocacy group stakeholder)

Civic participation in enforcement was also used in other countries to support enforcement agencies and it was therefore suggested that a similar approach could be taken in the UK that is cost effective and does not limit responsibility to Trading Standards.

Such a cost effective way whereas we have...it's a bit more siloed here and we have Trading Standards. They are the ones who will enforce anything you know. What [about] the EHA [Environmental Health Agency]? What about somebody else? Within the education system, are there mechanisms that if you give them a bit more resources can

they do this additionally? So there are ways of doing it. Yeah, that would be one of my recommendations, that's almost like expanding our horizon a bit outside the traditional ways of enforcement. (Third sector/advocacy group stakeholder)

Stakeholders also made suggestions as to the ways in which a registration or licensing scheme could interface with other enforcement approaches such as the HMRC Track and Trace system for tobacco which tracks products manufactured in, or imported into the UK, to the first retailer. Tobacco products are scanned as they make their way through the supply chain and that data are stored in a UK data repository. It was suggested that this system and tobacco retail licensing need to work alongside one another and that not complying with Track and Trace measures should be considered a breach of the licence.

...there would be a licence breach if HMRC...if track and trace measures aren't complied with, so just to make sure that that is all aligned and talking to each other. (Third sector/advocacy group stakeholder)

Licensing vs registration approach

The lack of any sort of registration or licensing scheme for tobacco and other nicotine vapour products in England was identified as a gap by participants as it means that there is no oversight of tobacco supply in England.

...it's a big gap, it seems essential you've got this really harming product causing 1 in 5 deaths et cetera et cetera in the UK and it seems astonishing that we have no idea about where these products are being sold. (Academic stakeholder)

When considering whether a registration scheme or licensing scheme was more appropriate and effective, participants had mixed views. There were participants who could not see any drawbacks to either approach; those who suggested that the current Scottish register needed updating and conditions applied, and those who were in favour of a licensing scheme over a register.

Yeah I think they're both positive in terms of population health and driving forwards increasing lifespan for sure. I can't really see any downsides to either to be honest. I think they both go hand in hand in terms of working together in the space around that smoke free generation piece. (Public health stakeholder)

In interviews, participants noted that the distinction between a registration scheme and a licensing scheme was not always clear, referencing international approaches which use the terms interchangeably and a lack of understanding among retailers, particularly for those who were not familiar with alcohol licensing. One example of the distinction between the approaches was that licensing involves a proactive request to sell products and registration does not require seeking permission. Given the lack of clarity in the distinction between the two approaches, it was seen as more useful to have clear messaging on the intention of the approach, regardless of whether it is a licensing or registration scheme.

I guess the first thing to say is what one person describes as a licensing scheme, someone will describe exactly the same scheme as a registration scheme. So it doesn't seem to me that there is a clear distinction between the two, therefore I guess

in my mind it's not a particularly useful scheme. I think it's more about defining what it is you're implementing... (Academic stakeholder)

A perceived benefit of a registration scheme in Scotland was that it is an existing system and therefore retailers are already aware of it and are registered. There were participants who argued that it would be easier and more cost effective to build on the existing register rather than introduce a licensing scheme.

...there's a sort of logic to building on what you've got I think which is reasonable. So I think there's that strength to the...to that plan. So...you know...and probably it would be cheaper, it would be more expensive and also time consuming, you've got to think about government capacity and you'd be scrapping something which is there and bringing in something which is sort of pretty similar I think. (Public health stakeholder)

Participants working in enforcement had mixed views on the suitability of a registration scheme compared to a licensing scheme. In principle, the register was viewed as an effective approach to retail enforcement if the barriers to the register's operation did not exist. For example, there was a view that the register would be the right approach if the challenges with the online portal were addressed and checks were put in place to reduce errors occurring with searching and when retailers provide information. However, there was a view that due to the persistent issues with the operation of the register, a licensing scheme would be better for enforcement.

There were participants who argued that licensing would also bring another level of responsibility and ownership and that it would be managed better by legislation than the current Scottish register. The term 'licensing' was also seen as having stronger connotations compared to a register, indicating that the products being sold are harmful. On the other hand, there was a perception that if the challenges associated with the current registration scheme were not rectified, these would equally affect the administration of a licensing scheme and limit its impact.

I think if the fines are appropriate then I think it doesn't really matter what the system is called, whether it's a register or a licence. I think a licence obviously has stronger connotations. A register just feels like just a normal thing to have, whereas licence implies that the product is harmful or that there are risks. So I do think a licence would be the most appropriate term to use. (Third sector/advocacy group stakeholder)

Participants that were in favour of a licensing scheme reported the disadvantages of an unconditional registration scheme. They noted the lack of "fit and proper person" tests with a register and argued that a licensing scheme would allow for the assessment of the suitability of retailers to sell tobacco products, as well as introducing requirements for retailers to provide age verification training and undergo a criminal record check. There was also discussion of mandatory conditions which could be introduced as part of licensing such as requiring CCTV in the premises and making the footage available to enforcement officers on demand, and provision of vape recycling facilities. Stakeholders discussed the possibility of restricting licences to specific types of retail outlet such as supermarkets which are more likely to have age verification processes in place.

Yeah so one of the big issues we've got in vapes in particular is that everybody is selling them because...so you know you see them in barber shops, I mean I've seen florists, butchers, post offices, lots and lots of premises who are not used to age restricted sales, they're not used to selling alcohol, selling cigarettes, selling knives, so they're taking on this mantle without the knowledge to back it up. Now if they do that it is their responsibility to get that knowledge, it's their responsibility to get that knowledge but it does mean that we've got a lot of actors, a lot of organisations active in this sector who don't have that sort of...that in their DNA like you would in a supermarket or a little minimarket, they're more used to all of the things that you have to do to sell an age restricted product. So you need to have things like a refusals register to show that when somebody asks and you've checked their ID and things like that so just best practice for ensuring that your sales are legal. (Enforcement stakeholder)

Another perceived benefit of a licensing scheme was that it has the power to restrict the provision of licences. Participants suggested that by applying a licensing scheme, the government could restrict licences and de-cluster retail outlets in deprived areas and in areas near schools, or restrict the types of shops which are able to sell tobacco and nicotine vapour products. However, participants did highlight operational challenges with the introduction of a new licensing scheme, including the resource needed to assess the influx of licence applications received by local authorities. There was a suggestion that administrative support for this should be provided at a national level.

There needs to be some level of national support, whether it's kind of a national hub that deals with the glut of new applications because we don't just want to see anyone who sells tobacco can have a licence. (Third sector/advocacy group stakeholder)

Whether a licensing or registration scheme is adopted, stakeholders highlighted the importance of ensuring that the scheme is equally applicable to online retailers, and that the same conditions should be applied to online shops.

There were also participants who expressed concerns regarding the lack of comparability of the Scottish register to other UK nations, specifically Wales and England, that intend to introduce a licensing scheme.

I guess another weakness is and the thing I worry about with this is comparability with England and Wales and so I think that one of the strengths that we've got in the UK is we are able to do cross country comparisons and so if we...Scotland has quite often gone alone or gone first and that's been to our benefit but if we've got something that's completely different and is not comparable then it could be a missed opportunity. (Public health stakeholder)

Fees and fee structure

Whether a fee for registration or a licence should be introduced received mixed responses from stakeholders. There were participants who believed that applying a fee would disincentivise retailers from selling tobacco and other nicotine products and support the aim of reducing availability. An academic stakeholder shared feedback that they had received from some retailers for whom vapes and tobacco account for a large portion of their profits that

some would welcome the introduction of a fee as it would disincentive other businesses such as takeaways selling vapes and thereby reduce competition. It was also suggested that the money raised through fees could be used to support enforcement. The fee set would depend on whether the aim of introducing a fee is to act as a deterrent to selling tobacco and vape products, which would be associated with a larger fee, or to provide resources for the administration and enforcement of the scheme, which would be associated with a smaller fee.

[...] if you had a ringfenced fee you could say well this is coming in to pay for this register and legitimate businesses would probably support that because they don't want illegitimate businesses undermining their business in their community, so somebody selling to children or selling illegal products. They'd be probably quite happy if more enforcement activity took place. (Enforcement stakeholder)

Others argued that the introduction of fees would be seen as punitive by stores which already comply with the regulations around the sale of tobacco and other nicotine products, would cause additional burden to legitimate businesses, and raised questions as to the appropriate amount for a fee.

...we shouldn't be asking people to spend more money if they're not getting any benefit out and that will be a big pushback, if we start charging people for to register to sell cigarettes and vapes they're going to turnaround and say 'well what are you doing about the shops that are illegal', and although we are doing stuff, it's not that we're not doing stuff, but if I go and seize 1,000 packets of cigarettes, the Procurator Fiscal is not going to take the case. I can't close a shop down in Scotland, so folk don't think we're doing anything. (Enforcement stakeholder)

Stakeholders suggested approaches to structuring fees for a licensing or registration scheme such as an inverted fee structure with the highest fees charged to importers and wholesalers, and lower fees for retailers. There was also discussion regarding whether the sale of vapes and other nicotine products should be subject to the same fees as the sale of tobacco. Some stakeholders argued that tobacco and vapes should be licensed or registered as part of separate schemes, with lower fees for those retailers who sold only vapes and not tobacco. Others raised the issue of pharmacies and healthcare settings providing vapes for use in smoking cessation and questioned whether they would also be subject to a licensing or registration fee.

...that's very much a justice issue so we are not going out to the small guy, the retailer on the ground and its proportionate to the profits they get at each of these levels of the supply chain. (Third sector/advocacy group stakeholder)

Local vs national

Stakeholders highlighted the benefits of the Scottish register operating at a national level in terms of enabling a coherent approach across Scotland, consistent communication from the Scottish Government direct to retailers and the provision of national-level data on availability of tobacco and nicotine vapour products. It was also said to place less administrative burden on local authorities.

There was an expectation from stakeholders that any licensing or registration scheme for England would be implemented at a local authority level. This was welcomed by some as it would allow for tailored approaches in different areas in response to local needs, particularly in areas where smoking levels and deprivation are highest. It would also allow decisions as to whether to grant a licence to be made on the basis of local knowledge, such as the proximity of retail outlets to schools and health services. However, it was acknowledged that the lack of a national system would mean that there was no overview of the availability of tobacco and other nicotine products at a national level for England and increased the risk of inconsistent communication of regulations and enforcement.

...it could be through a registration scheme again but through registration or licensing there's that opportunity to give this information and guidance to retailers. Whereas if these systems didn't exist what is the process for making sure retailers receive that kind of communication? (Academic stakeholder)

A combined model was suggested whereby licensing schemes are administered at local authority level, and the schemes integrate to a national register which allows data to be collated to give a national picture of the supply of tobacco and other nicotine products, and allows communication from one national source. However, others felt that this approach would be too onerous and costly.

So I think it's probably too much to do both but there's certainly bits of the registration scheme that I think would be beneficial so that sort of national overview of where businesses are to enable that sort of central communication I think would be really helpful. (Enforcement stakeholder)

There definitely does need to be a national database so whether that's where a register would come in but just so that...because at the minute there's how many, 200 or so local authorities in England. They need to be able to see who's got licences in other parts of the country because I think that's a kind of a loophole that's exploited and things do fall between the cracks. (Third sector/advocacy group stakeholder)

Discussion and policy implications

When introduced, the Tobacco and Vapes Bill was described by the UK Government as the biggest public health intervention in a generation.¹² Having received Royal Assent on the 29th April 2026, the Tobacco and Vapes Act will help create the first smokefree generation by making it so that children born in or after 2009 will never legally be sold tobacco in the UK. It also introduces powers to extend the indoor smoking ban to specific outdoor spaces. It restricts the advertising and sponsorship of vapes and nicotine products and gives powers to regulate the flavours, packaging, and display of vapes to reduce their appeal to children. The Act also provides powers to introduce a new retail licensing scheme in England, Wales and Northern Ireland for tobacco, vapes and nicotine products and strengthens Scotland's existing retail register.

It has been 15 years since the implementation of the Scottish Tobacco and Vape register. The likely introduction of a tobacco retail control scheme in England, Wales and Northern Ireland provides an opportunity to review the register and identify lessons which could be applied to the rest of the UK. This review builds on the research team's previous work conducted in 2017 for Cancer Research UK to evaluate the register, which found that the implementation of the tobacco register was well received overall and was not seen to have had a negative impact on retailers.¹³ It is important to note that at that point vaping products were only beginning to be introduced to the register and were not a focus of the evaluation.

This review benefits from a detailed account of the international literature which has been published since 2017 and brings together the views of stakeholders from a wide range of disciplines including public health, academia, enforcement, third sector and advocacy groups. However, it was not possible to involve policy stakeholders from the tobacco control teams at the Scottish and UK Governments in interviews, which is a potential limitation of this review.

There is some evidence from the review of the literature that both registration and licensing schemes can be effective in reducing tobacco retailer density. Reductions in tobacco retailer density are associated with decreased smoking prevalence. While direct evidence on registration schemes is limited and no evaluations related to the Scottish Tobacco and Vapes register were identified since the 2017 report, registration schemes were found to be important for maintaining oversight of tobacco retailers and ensuring compliance with tobacco control policy and regulations, and have been associated with reductions in tobacco retailer density.

It should be noted, though, that conditions could be added to registration schemes to further address tobacco regulation and enforcement. The extension of the scope of registration schemes could include measures such as including a wider range of tobacco and nicotine products, prohibiting their sale in proximity to child-centred spaces, limiting the number of tobacco or nicotine products a consumer can buy at one time, or limiting the type and size of tobacco retailers. However, it is difficult to evaluate the impact of conditional registration

¹² Department of Health and Social Care, UK Government (2025) The Tobacco and Vapes Bill: What you need to know. <https://healthmedia.blog.gov.uk/2024/11/05/the-tobacco-and-vapes-bill-what-you-need-to-know/>

¹³ Delaney H, Bardsley D, MacGregor A (2017) Evaluating the Scottish Tobacco Retail Register. ScotCen Social Research and Cancer Research UK

schemes as these specific additional measures have not been adopted yet in Scotland or elsewhere.

This lack of direct evidence on the impact of the Tobacco and Vapes register is supported by findings from the interviews. The identified impact of the register was limited to academic research and enforcement, with minimal evidence of impact on public health outcomes and the policy climate. However, the national level dataset which is used in academic research was seen as a key asset.

Stakeholders suggested a number of improvements to the operation of the register to address challenges it has encountered and limitations to its impact. While of specific relevance to the operation of the Scottish Tobacco and Vapes register and to those working in tobacco control policy in Scotland in terms of strengthening the existing register, these suggested improvements are also relevant to the development of any new scheme in the rest of the UK. Suggested improvements included:

- Changes to the way in which data about businesses are collected and checked, in order to improve the accuracy of data, particularly verification of addresses
- Inclusion of additional information fields to support academic research and inform policy decisions more actively
- Expansion of the register to include all new and emerging nicotine products and online retailers
- Application of conditions to the register to increase its impact on public health, such as creating buffer zones around schools within which shops are prohibited from selling tobacco and vapes, the introduction of maximum and minimum pricing, and density control approaches such as de-clustering retailers in more deprived areas
- Adoption of a licensing scheme in Scotland
- Application of a licence fee for retailers, either as part of the existing Tobacco and Vapes register or as part of a licensing scheme.

The literature review also highlighted evidence regarding alternative models, in particular licensing schemes. Those which implemented annual fees and associated licence restrictions and enforcement measures such as penalties have been shown to significantly reduce tobacco retailer density in countries such as the USA, Australia, and Hungary. This is supported by qualitative evidence from the literature review that annual licence fees or increases in licence fees can encourage tobacco retailers to stop selling tobacco. It has been proposed that licensing schemes also provide greater leverage and financial support for enforcement of tobacco control policies.

A more stringent registration scheme or the introduction of a licensing scheme for tobacco and vapes is likely to receive support from the public following the media attention on the major fire in Glasgow city centre in March 2026 which was found to have started in an unregistered vape shop and the resulting political calls to introduce a licence scheme in

response.^{14, 15, 16} Indeed, the fire in the unregistered vape shop has also led to the issue of registration and licensing being debated actively before the Scottish parliamentary elections, and media organisations paying more scrutiny to the current registration system and potential flaws in the way it is operating. More widely, opinion polling commissioned by ASH suggests strong public support in England for requiring businesses to have a licence to sell tobacco.¹⁷

Policy implications

When considering transferrable lessons from the Scottish Tobacco and Vapes register to England and the rest of the UK, a number of key points have emerged from this review:

- The introduction of a registration or licensing scheme should form **one part of a coherent strategy and policy approach working towards Smokefree 2030 in England**. The intended aims and outcomes of the introduction of a registration or licensing scheme should include phasing out the supply of tobacco and protecting the health of young people. These aims should **be clear and well communicated**, and consideration should be made of how best to frame this and engage with those affected, including retailers themselves.
- **Sufficient resource should be available to ensure effective enforcement of any new registration or licensing scheme**. In Scotland, where the Tobacco and Vapes register is already in place, trading standards have experienced reductions to budgets and experience challenges in enforcing the register. An Audit Scotland report found that an ageing workforce and the loss of training budgets for new staff poses a risk to the long term viability of local authority trading standards services.¹⁸ The resource available to local authorities to administer the set-up of a new scheme and whether this could be supported at national level should be considered, as well as resources for training Trading Standards staff in the enforcement of a new scheme. The interaction between trading standards and other elements of enforcement and civil society should be explored, as well as engagement with retail membership bodies to assist with the communication of the new scheme
- **The data collected by a licensing or registration scheme should be of sufficient detail and quality to allow its use in enforcement activity and research**. The availability of a national level dataset is one of the key strengths of the existing register in Scotland and any scheme introduced in other parts of the UK should ensure that the data gathered can be used to provide a clear and comprehensive picture of tobacco and vape supply in England. The challenges experienced by those working in enforcement in Scotland in using the data gathered through the register should also be taken into account in the development of a scheme for England and data verification checks should be designed into the scheme from the outset.

¹⁴ Calder, J (10th March 2025) "Glasgow Central fire vape shop not registered for sales", The National. <https://www.thenational.scot/news/25924377.glasgow-central-fire-vape-shop-not-registered-sales/>

¹⁵ Sullivan, J (18th March 2025) "Edinburgh councillors call for tighter vape shop regulation after fire", The Herald. <https://www.heraldsotland.com/news/25948469.edinburgh-councillors-call-tighter-vape-shop-regulation-fire/>

¹⁶ Scottish Greens (10th March 2025) "Scottish Greens call for tighter regulation on vape shops". <https://greens.scot/news/scottish-greens-call-for-tighter-regulation-on-vape-shops>

¹⁷ ASH (2025) Public support for a smokefree society. <https://cdn.ash.ten4dev.com/uploads/8703-Public-support-for-a-smokefree-society.pdf?v=1751463970>

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- In a rapidly changing retail landscape where both new products and methods of sale are constantly evolving, **a new licensing or registration scheme should remain adaptable and responsive to the emerging market.**
 - In decisions around whether to introduce a licensing fee for retailers, **there should be careful consideration of the purpose of a fee, appropriate amount and fee structure.** If the introduction of a fee is to disincentivise retailers from selling tobacco and vapes, this must be clearly communicated to retailers. A number of different approaches to fees were suggested by stakeholders including using funds raised from fees to fund enforcement, differential fees for tobacco and vapes, and an inverted fee structure with highest fees for importers and wholesalers.

It should be noted, though, that due to the registration scheme already operating in Scotland, which has the potential to introduce conditions which will affect tobacco and vape retail and outlets, there was no strong will expressed that a licensing scheme should necessarily be adopted in Scotland itself. However, towards the conclusion of the review and after fieldwork had taken place, a serious fire starting in an unregistered vape shop in Glasgow has resulted in robust debate in political circles and it is possible that the prevailing view will shift towards a licensing model as a consequence.

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Stakeholder topic guide

A. BACKGROUND

1. **What is your current job title?**
 - How long have you been in post?
2. **Could you outline briefly your role in relation to tobacco control & tobacco/vape retail enforcement?**
 - Has this role changed recently, and if so, in what way?
 - How do you use the STNVPR in your role, if at all?

B. DEVELOPMENT AND FUNCTION OF STRR

3. **This research is particularly concerned with the Scottish Tobacco and Vape Retail Register. What function has it played in terms of tobacco and vape retail & tobacco control in Scotland?**
 - What are the main strengths of this approach?
 - What are the main weaknesses of such an approach?
4. **What, if anything, has changed about STNVPR and how it operates since it was first established?**

Other national leads:

5. **What knowledge do you have of the Scottish Tobacco and Vape Retail Register?**
6. **What do you think are the similarities, if any, between the STNVPR and your own national approach to tobacco control and enforcement?**
7. **What are the main differences between the STNVPR approach and your own national approach?**
8. **In general, what are the main strengths and weaknesses of the STNVPR approach?**

ALL leads:

9. **What are your thoughts on the use of a retail registration scheme such as STNVPR compared with retail licensing schemes?**
 - What are the benefits and challenges of licensing schemes?
 - Any examples of other national approaches?
10. **Are there any other countries or jurisdictions that you think are worth considering in terms of tobacco licensing schemes, or tobacco and vape control approaches? Please say why.**

C. PERCEIVED IMPACT OF STRR

11. How successful, if at all, do you think the operation of the Scottish Tobacco and Vape Retail Register has been up to now?

- Why? In what ways?
- Any variation across different parts of Scotland? In what ways and why?
- What impact, if any, does the STNVPR have on:
 - a. retail practice? (e.g. illicit sales/retailer compliance)
 - b. enforcement? (e.g. test purchasing, store visits, sanctions/penalties, etc.)
 - c. tobacco and vaping behaviours? (e.g. underage use, smoking cessation, etc.)
 - d. the policy climate e.g. has the existence of the retail licensing scheme made other smoking (or other public health) policy moves easier/harder
 - e. academic research?
 - f. your role specifically?
- How successful, if at all, has the incorporation of outlets selling vapes/nicotine vapour products (NVPs) into the register been?

12. How, if at all, does this impact of the STNVPR compare to other national approaches?

- Do you have any view as to whether it is a more or less successful model in terms of impact when compared with other national approaches? Why?
- *Other national leads:* How successful, if at all, do you think your own tobacco control policy has been up to now? In what ways and why?

D. BARRIERS AND FACILITATORS

13. What barriers, if any, are faced by the STNVPR in relation to its operation?

- Who is affected by this barrier (e.g. retailers, trading standards, etc)?
- Are there any particular LAs/areas of Scotland which you feel have faced particular problems in terms of the way the register has operated? What factors have caused problems for these areas?
- Explore: retailer awareness, compliance, and behaviour in relation to STNVPR.

14. What key factors, if any, have assisted the STNVPR in relation to its operation?

- *Explore: cost (or lack of), administrative burden, application process, communication with retailers, etc.*
- Who is affected by this facilitator (e.g. retailers, trading standards, etc)?

- Are there any particular areas of Scotland/LAs which you feel have been particularly successful in terms of the operation of the retail register? What factors have influenced this success?
- Explore: retailer awareness, compliance, and behaviour in relation to STNVPR.

15. To what extent do you think the information retailers provide to join the register accurate?

- Do you think it is sufficient or insufficient for tobacco and NVPs? If so, why?
- What, if anything, should be added?

E. MODIFICATIONS AND THE FUTURE

16. What modifications, if any, should be made to the STNVPR to improve its effectiveness?

- Specifically, are there any conditions that should be added or applied to the register to improve its potential impact?

17. As part of this research, we are interested in what can be learned from the operation of the STNVPR which can be applied to a potential registration and/or licensing scheme in England. What considerations, if any, should be taken into account?

- What policy approach(es) do you think should be adopted in England if and when the Tobacco and Vapes Bill is passed?

18. Is there anything else you would like to say that has not have been covered in the interview?