
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in relation to the display of tobacco or smoking related products in specialist tobacconists (regulation 3) and in other retail premises (regulation 4). They also make provision in relation to the display of prices of tobacco products and smoking related products (regulations 8 to 17).

Section 1(1) of the Tobacco and Primary Medical Services (Scotland) Act 2010 (“the Act”) makes it an offence to display tobacco products or smoking related products in a place where tobacco products are offered for sale.

Section 1(2) of the Act provides an exemption for specialist tobacconists provided the display does not include cigarettes or hand rolling tobacco and it complies with prescribed requirements. Regulation 3 prescribes these requirements which are that the display must include a warning notice and must not be visible from the outside of the specialist tobacconist.

Section 1(4) of the Act allows Scottish Ministers to provide that no offence is committed under section 1(1) if a display complies with specified requirements. Regulation 4 provides that no offence is committed if the display of tobacco or smoking related products complies with the requirements in regulations 5, 6 or 7.

Regulation 5 sets out the requirements for a “requested display” which is defined in regulation 5(2).

Regulation 6 sets out the requirements for an “incidental display” which is defined in regulation 6(2).

Regulation 7 sets out the requirements for displays of tobacco or smoking related products in a bulk tobacconist or duty free shop. The display must be in part of the premises which only contains tobacco and the display must not be visible from outside that area.

Section 3(1) of the Act allows Scottish Ministers to impose requirements in relation to the display of prices of tobacco products or smoking related products in a place where tobacco products are offered for sale. Regulation 8 defines “place” in section 3(1) to mean any premises where tobacco products are offered for sale in the course of a business. “Premises” are defined in section 35 of the Act to include any place and any vehicle, vessel or moveable structure.

Regulation 9 specifies which of the subsequent regulations apply to different types of retailers in relation to display of prices of tobacco and smoking related products.

Regulation 10 specifies the requirements for specialist and bulk tobacconists. These restrictions on display of prices only apply if the display is visible from outside the specialist tobacconists or the tobacco area within a bulk tobacconists. If that is the case then the display must be a price list which complies with the requirements in regulations 13 and 14(1)(a) and (b)(i) to (vi). Only one price list which is visible from the outside is allowed for each premises or tobacco area.

Regulation 11 set out the requirements for trade tobacconists. The only requirement for displays of prices in trade tobacconists is that they must not be visible from outside the premises.

Regulation 12 sets out the requirements for all other retailers. Displays of prices in retailers to which regulation 12 applies have to comply with general requirements as provided in regulation 13 and in addition with requirements in regulations 14, 15 or 16 depending on the type of price display.

Regulation 13 sets out the requirements for all forms of display of price lists. These are requirements as to the information which can be included and the way in which that is presented.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Regulation 14 sets out the requirements in addition to those in regulation 13 if the display of prices is by way of a price list. This is a price list which can be displayed at all times in contrast to a requested price list which can only be displayed if requested by the customer. Regulation 14 sets out requirements as to the title and headings of the list and its size. Only one price list can be displayed in each area in premises where tobacco products and smoking related products are located and can be paid for. If there is more than one till in that area there can be a price list displayed at each till.

Regulation 15 sets out the requirements in addition to those in regulation 13 if the display of prices is by way of a requested price list. The regulation sets out the required size of the wording and that the only feature which is allowed is a picture, less than 50 square centimetres in size, of the tobacco product or smoking related product.

Regulation 16 sets out the requirements in addition to those in regulation 13 if the display of prices is by way of price labels. It sets out requirements that the label must be on the storage unit where the product is kept pending sale and as to the size of the label. Only one label is allowed for each part of the storage unit where a particular product is kept.

Regulation 17 clarifies that if a display of tobacco products or prices meets the requirements of these Regulations then it is to be subject to the regulatory regime (applying to offences) under these provisions rather than that under the Tobacco Advertising and Promotion Act 2002 which regulates tobacco advertising.

The Tobacco Advertising and Promotion (Point of Sale) (Scotland) Regulations 2004 which regulated tobacco advertising at points of sale and on tobacco vending machines are revoked (regulation 18).

The Tobacco Advertising and Promotion (Specialist Tobacconist) (Scotland) Regulations 2004 are amended to bring the advertising in line with the restrictions on display in such premises that they must not be visible from the outside of the premises (regulation 19).

These Regulations were notified in draft to the European Commission in accordance with [Directive 98/34/EC](#) of the European Parliament and of the Council (OJ L 204, 21.7.1998, p.37) as amended by [Directive 98/48/EC](#) of the same institutions (OJ L 217, 5.8.1998, p.18), which lays down a procedure for the provision of information in the field of technical standards and regulations.

A Business and Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies may be obtained from Tobacco Policy Team, Scottish Government, St Andrew's House, Edinburgh.