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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 85**

**The Sale of Tobacco (Display of Tobacco Products and Prices etc.) (Scotland) Regulations 2013**

**Interpretation**

2.—(1) In these Regulations—

“the Act” means the Tobacco and Primary Medical Services (Scotland) Act 2010;

“bulk tobacconist” means a shop, which is not a trade tobacconist, selling tobacco products (whether or not it also sells other products) whose sales of cigarettes or hand rolling tobacco, measured in accordance with paragraph (2), meet the following conditions—

- (a) at least 90% of its cigarette sales are in pre-packed quantities of 200 or more cigarettes in their original package, and the remainder in pre-packed quantities of 100 or more cigarettes in their original package;
- (b) at least 90% of its hand rolling tobacco sales are in pre-packed quantities with a weight of 125 grams or more in their original package;

“original package” means the package in which the cigarettes or hand rolling tobacco were supplied for the purpose of retail sale by the manufacturer or importer and “packaged for sale” is to be construed accordingly;

“other feature” means a logo, trademark, symbol, motto, type-face, colour or pattern of colour, picture, artwork, imagery, appearance, message or other indication that constitutes all or part of the recognisable identity of a product, but does not include a bar code or stock number;

“package” means any box, carton or other container;

“shop” means any premises<sup>(1)</sup> where there is carried on a trade or business consisting wholly or mainly of the sale of goods;

“specialist tobacconist” has the meaning given by section 6(2) of the Tobacco Advertising and Promotion Act 2002;

“storage unit” means a gantry, cabinet or unit, tray, shelf or other product in which a tobacco product or smoking related product is held pending sale;

“tobacco area” means a part of a shop containing only tobacco products or smoking related products”; and

“trade tobacconist” means a shop selling tobacco products (whether or not it sells other products) in the course of a business involving the sale of tobacco products only to persons who carry on a tobacco business or their employees.

(2) The sales referred to in the definition of “bulk tobacconist” are to be measured by sale price—

- (a) during the most recent period of 12 months for which accounts are available; or
- (b) during the period for which the shop has been established, if it has not been established long enough for 12 months’ accounts to be available.

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(1) “Premises” is defined in section 35 of the Tobacco and Primary Medical Services (Scotland) Act 2010 to include any place and any vehicle, vessel or moveable structure.

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

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