

## STATUTORY INSTRUMENTS

# 2003 No. 1471

## The Tobacco Products (Descriptions of Products) Order 2003

### Citation and commencement

1. This Order may be cited as the Tobacco Products (Descriptions of Products) Order 2003 and comes into force on 1st August 2003.

### Interpretation

2. In this Order “the Act” means the Tobacco Products Duty Act 1979.

### Repeal and revocation

3.—(1) Subsections (2) and (2A) of section 1 of the Act <sup>M1</sup> are repealed.

(2) The Tobacco Products (Cigarettes and Cigars) Order 1977 <sup>M2</sup> is revoked.

#### Marginal Citations

**M1** Subsection (2) was amended by, and subsection (2A) was inserted by, the [Finance Act 1993 \(c. 34\), section 14](#).

**M2** [S.I. 1977/1979](#).

### Cigarettes

4.—(1) Subject to paragraph (2) below, references to cigarettes in the Act include any product that comprises—

- (a) rolls of tobacco capable of being smoked as they are and that are not cigars, or
- (b) rolls of tobacco that, by simple non-industrial handling, are—
  - (i) inserted into cigarette-paper tubes, or
  - (ii) wrapped in cigarette paper.

(2) References to cigarettes in the Act include products consisting in whole or in part of substances other than tobacco that otherwise conform to a description in paragraph (1) above <sup>F1</sup>....

#### Textual Amendments

**F1** Words in art. 4(2) omitted (1.1.2014) by virtue of [The Tobacco Products \(Descriptions of Products\) \(Amendment\) Order 2013 \(S.I. 2013/2721\)](#), arts. 1, **3(1)**

### Cigars

5. References to cigars in the Act include any product that is described in the Schedule below and do not include tobacco products of any other description.

### Hand-rolling tobacco

6.—(1) References to hand-rolling tobacco in the Act include any product that would, but for the reference to hand-rolling tobacco in article 7(1) below, be other smoking tobacco and—

- (a) in which more than 25% by weight of the tobacco particles have a cut width of less than [<sup>F2</sup>1.5 millimetres], or
  - (b) that is sold or intended to be sold for making into cigarettes by hand, or
  - (c) that is of a kind used for making into cigarettes by hand.
- (2) In this regulation—
- (a) the references to “making into cigarettes by hand” in paragraph (1)(b) and (c) above include making into cigarettes by hand with the aid of a mechanical device, and
  - (b) the use for making into cigarettes referred to in paragraph (1)(c) above must amount to more than occasional use but need not amount to common use.

#### Textual Amendments

- F2** Words in art. 6(1)(a) substituted (1.1.2011) by [The Tobacco Products \(Descriptions of Products\) \(Amendment\) Order 2010 \(S.I. 2010/2852\)](#), arts. 1, **2(2)**

### Other smoking tobacco

7.—(1) Subject to paragraph (2) below, references to other smoking tobacco in the Act include any product that is not cigarettes, cigars, or hand-rolling tobacco and comprises—

- (a) tobacco that has been cut or otherwise split, twisted or pressed into blocks, and is capable of being smoked without further industrial processing, or
- (b) tobacco refuse put up for retail sale that can be smoked.

(2) References to other smoking tobacco in the Act include products consisting in whole or in part of substances other than tobacco that otherwise conform to a description in paragraph (1) above <sup>F3</sup>....

[<sup>F4</sup>(3) For the purposes of paragraph (1), “tobacco refuse” means the remnants of tobacco leaves and the by-products of the processing of tobacco or the manufacture of tobacco products.]

#### Textual Amendments

- F3** Words in art. 7(2) omitted (1.1.2014) by virtue of [The Tobacco Products \(Descriptions of Products\) \(Amendment\) Order 2013 \(S.I. 2013/2721\)](#), arts. 1, **3(2)**
- F4** Art. 7(3) added (1.1.2011) by [The Tobacco Products \(Descriptions of Products\) \(Amendment\) Order 2010 \(S.I. 2010/2852\)](#), arts. 1, **2(3)**

### Chewing tobacco

8.—(1) Subject to paragraph (2) below, references to chewing tobacco in the Act include any product that—

- (a) is not cigarettes, cigars, hand-rolling tobacco, or other smoking tobacco,
- (b) consists of or includes tobacco, and
- (c) has been prepared so that it can be chewed.

(2) References to chewing tobacco in the Act include any product prepared for chewing that does not include tobacco but consists in whole or in part of a substitute for tobacco, except for such a product that is intended solely as an aid to persons to give up smoking.

**[<sup>F5</sup>Tobacco for heating**

**9.**—(1) References to tobacco for heating in the Act include any product that—

- (a) is not cigarettes, cigars, hand-rolling tobacco, other smoking tobacco, or chewing tobacco; and
- (b) consists of tobacco prepared for heating, without combustion, in order to produce or flavour vapour.

(2) In paragraph (1)(b), “tobacco” includes tobacco mixed with any substance other than tobacco.

(3) References to tobacco for heating in the Act do not include any product that consists wholly of a substance or substances used as a substitute for tobacco.]

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**Textual Amendments**

**F5** [Art. 9](#) inserted (1.7.2019) by [The Tobacco Products \(Descriptions of Products\) \(Amendment\) Order 2019 \(S.I. 2019/953\)](#), arts. 1, 2

*Philip Woolas*  
*John Heppell*  
Two of the Lords Commissioners of Her  
Majesty’s Treasury

**Changes to legislation:**

There are currently no known outstanding effects for the The Tobacco Products (Descriptions of Products) Order 2003.