



# Alcohol etc. (Scotland) Act 2010

## 2010 asp 18

### PART 1 **S**

#### ALCOHOL LICENSING

##### *Drinks promotions*

#### **5 Off-sales: location of drinks promotions **S****

- (1) Schedule 3 to the 2005 Act (premises licences) is amended as follows.
- (2) In the italic cross heading before paragraph 13 (display of alcohol for consumption off the premises), after “Display” insert “, or promotion of the sale,”.
- (3) In paragraph 13, after sub-paragraph (1) insert—
  - “(1A) Sub-paragraphs (1B) to (1D) apply where the premises, in so far as they are used for the sale of alcohol, are so used only or primarily for the sale of alcohol for consumption off the premises.
  - (1B) Any drinks promotion on the premises may take place only in any one or more of the following—
    - (a) an area referred to in sub-paragraph (1)(a) and (b),
    - (b) a room on the premises which is used for offering the tasting of any alcohol sold on the premises (for consumption off the premises) and the resulting tasting and is separate from those areas.
  - (1C) A drinks promotion in connection with the premises may not take place in the vicinity of the premises.
  - (1D) For the purposes of sub-paragraph (1C), the “vicinity” means the area extending 200 metres from the boundary of the premises (as shown on the layout plan).”.
- (4) In that paragraph—
  - (a) after sub-paragraph (2)(a) omit “or”,
  - (b) after sub-paragraph (2)(b) add—
    - “(c) a branded non-alcoholic product, or

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- (d) a newspaper, magazine or other publication.”,
- (c) after sub-paragraph (2) insert—
  - “(2A) Sub-paragraph (2) is without prejudice to sub-paragraph (1B).”.
- (5) In that paragraph, after sub-paragraph (3), add—
  - “(4) In this paragraph—
    - “branded non-alcoholic product” means a product which does not consist of or contain alcohol and which—
      - (a) bears a name or image of, or
      - (b) is an image of,
    - an alcoholic product (namely, a product consisting of or containing alcohol),
    - “drinks promotion” means any activity which promotes, or seeks to promote, the buying of any alcohol sold on the premises for consumption off the premises but does not include the display of any product which is—
      - (a) a branded non-alcoholic product for sale on the premises, or
      - (b) a newspaper, magazine or other publication—
        - (i) for sale on the premises, or
        - (ii) if not for sale on the premises, which does not relate only or primarily to alcohol.”.

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**Commencement Information**

**II** S. 5 in force at 1.10.2011 by S.S.I. 2011/149, art. 2, Sch.

**Changes to legislation:**

There are currently no known outstanding effects for the Alcohol etc. (Scotland) Act 2010, Section 5.