
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 407

The Sale of Tobacco (Register of Tobacco Retailers) Regulations 2010

Citation, commencement and interpretation

1. These Regulations may be cited as the Sale of Tobacco (Register of Tobacco Retailers) Regulations 2010 and come into force on 1st April 2011.

2.—(1) In these Regulations—

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

“banning order” means an order made under section 15(3) of the Act;

“bulk tobacconist” means premises(1) where tobacco products are offered for sale (whether or not other products are also offered for sale), if 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 250 grams or more in their original package, and the remainder in pre-packed quantities with a weight of 125 grams or more in their original package; and
- (c) it is not a trade tobacconist;

“duty free shop” means an export shop as defined in regulation 3 of the Excise Goods (Export Shops) Regulations 2000(2);

“relevant floor area” means the internal floor area of so much of the premises as consists of or is comprised in a building but excluding any part of the premises which is used neither for the serving of customers in connection with the sale of goods nor for the display of goods;

“specialist tobacconist” has the meaning given by section 6(2) of the Tobacco Advertising and Promotion Act 2002(3);

“trade tobacconist” means premises where tobacco products are offered for sale in the course of business involving the sale of such products only to persons who carry on a tobacco business(4) or to 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 twelve 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 twelve months’ accounts to be available.

(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.

(2) [S.I. 2000/645](#).

(3) [2002 c.36](#).

(4) “Tobacco business” is defined in section 35 of the Tobacco and Primary Medical Services (Scotland) Act 2010 to mean a business involving the sale of tobacco products by retail.

Other information to be contained in application to be registered or to add further premises to an entry in the Register

3. The information prescribed for the purposes of section 11(2)(d) of the Act is—
- (a) the contact details of the person completing the form;
 - (b) whether at the date of the application the applicant is as a result of a banning order banned from carrying on a tobacco business at any premises specified in the application;
 - (c) whether the relevant floor area of the premises at which the applicant proposes to carry on business exceeds 280 square metres;
 - (d) whether the applicant proposes to carry on a tobacco business as a specialist tobacconist or a trade tobacconist;
 - (e) whether the premises at which the applicant proposes to carry on business is a bulk tobacconist or duty free shop.

Tobacco Retailing Banning Order Notices – dimensions, wording and the size of statement

- 4.—(1) The following are prescribed for the purposes of section 19(5) of the Act.
- (2) The dimensions of the notice are not less than 297 millimetres by 420 millimetres.
 - (3) The wording of the statement to be displayed on the notice is in the form set out in the Schedule to these Regulations.
 - (4) The statement on the notice is of a size such that no character is less than 36 millimetres high.

St Andrew's House,
Edinburgh
18th November 2010

SHONA ROBISON
Authorised to sign by the Scottish Ministers