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SCOTTISH STATUTORY INSTRUMENTS

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**2010 No. 407**

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

**Citation, commencement and interpretation**

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<sup>(1)</sup> 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<sup>(2)</sup>;

“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<sup>(3)</sup>;

“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<sup>(4)</sup> 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.

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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.

(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.