Changes to legislation: *Licensing (Scotland) Act 2005, Paragraph 13 is up to date with all changes known to be in force on or before 26 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCHEDULE 3
PREMISES LICENCES: MANDATORY CONDITIONS

[F1 Display [F1, or promotion of the sale,] of alcohol for consumption off the premises

Textual Amendments

F1 Sch. 3 para. 13 and cross-heading inserted (1.2.2008) by Licensing (Mandatory Conditions No.2) (Scotland) Regulations 2007 (S.S.I. 2007/546), regs. 1(1), **3**

F1 Words in Sch. 3 para. 13 crossheading added (1.10.2011) by Alcohol etc. (Scotland) Act 2010 (asp 18), ss. 5(2), 18(1) (with s. 16); S.S.I. 2011/149, art. 2, Sch.

13 (1) **[**F2 Subject to sub-paragraph (3), alcohol**]** which is for sale only for consumption off the premises may be displayed only in one or both of the following–

(a) a single area of the premises agreed between the Licensing Board and the holder of the licence; or

(b) a single area of the premises which is inaccessible to the public.

F3 **[** (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).**]**

(2) In an area agreed in terms of sub-paragraph (1)(a), a product other than alcohol may be displayed only if it is–

(a) a non-alcoholic drink; F4 ...

(b) packaged with, and may be purchased only along with, alcohol

F5 **[** (c) a branded non-alcoholic product, or

(d) a newspaper, magazine or other publication**]**.

F6 **[** (2A) Sub-paragraph (2) is without prejudice to sub-paragraph (1B).**]**

F7 **[** (3) This paragraph does not apply in respect of premises—

(a) whose main function is to provide a visitor attraction, and

(b) where—

(i) the premises form part of a larger site which is used principally for the production of alcoholic drinks, or

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(ii) the visitor attraction is used principally to provide information about and promote the history and attributes of a particular alcoholic drink or a particular category of alcoholic drink.**]**

[In this paragraph—

[F8](4) "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.**]]**

Textual Amendments

F2 Words in Sch. 3 para. 13(1) substituted (24.6.2009) by The Licensing (Mandatory Conditions) (Scotland) Regulations 2009 (S.S.I. 2009/270), regs. 1, **2(2)**

F3 Sch. 3 para. 13(1A)-(1D) inserted (1.10.2011) by Alcohol etc. (Scotland) Act 2010 (asp 18), **ss. 5(3)**, 18(1) (with s. 16); S.S.I. 2011/149, art. 2, Sch.

F4 Word in Sch. 3 para. 13(2) omitted (1.10.2011) by virtue of Alcohol etc. (Scotland) Act 2010 (asp 18), **ss. 5(4)(a)**, 18(1) (with s. 16); S.S.I. 2011/149, art. 2, Sch.

F5 Sch. 3 para. 13(2)(c)(d) added (1.10.2011) by Alcohol etc. (Scotland) Act 2010 (asp 18), **ss. 5(4)(b)**, 18(1) (with s. 16); S.S.I. 2011/149, art. 2, Sch.

F6 Sch. 3 para. 13(2A) inserted (1.10.2011) by Alcohol etc. (Scotland) Act 2010 (asp 18), **ss. 5(4)(c)**, 18(1) (with s. 16); S.S.I. 2011/149, art. 2, Sch.

F7 Sch. 3 para. 13(3) inserted (24.6.2009) by The Licensing (Mandatory Conditions) (Scotland) Regulations 2009 (S.S.I. 2009/270), regs. 1, **2(3)**

F8 Sch. 3 para. 13(4) added (1.10.2011) by Alcohol etc. (Scotland) Act 2010 (asp 18), **ss. 5(5)**, 18(1) (with s. 16); S.S.I. 2011/149, art. 2, Sch.

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Changes and effects yet to be applied to :

– specified provision(s) Appointed Day(s) by S.S.I. 2006/239 art. 2 (This S.S.I. is revoked on 25.5.2006 by S.S.I. 2006/286, art. 6)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

– s. 33(1)(1A) substituted for s. 33(1)-(3) by 2015 asp 10 s. 49(2)(a)
– s. 33(8)(za) inserted by 2015 asp 10 s. 49(2)(c)
– s. 33(8A) inserted by 2015 asp 10 s. 49(2)(d)
– s. 33A inserted by 2015 asp 10 s. 49(4)
– s. 134ZA-134ZC inserted by 2015 asp 10 s. 61(2)