

# ALCOHOL ETC. (SCOTLAND) ACT 2010

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## EXPLANATORY NOTES

### COMMENTS ON SECTIONS

#### *Section 5 – Off-sales: location of drinks promotions*

16. Paragraph 13 of schedule 3 to the 2005 Act (inserted by the [Licensing \(Mandatory Conditions No. 2\) \(Scotland\) Regulations 2007 \(SSI 2007/546\)](#)) imposes a mandatory condition in premises licences restricting the display of alcohol that is for sale for consumption off the premises. Such alcohol can only be displayed in either or both of (1) a single area of the premises agreed between the Licensing Board and the holder of the licence and (2) a single area of the premises which is inaccessible to the public. These areas are known as “alcohol display areas”.
17. [Section 5\(3\)](#) inserts new sub-paragraphs into paragraph 13 of schedule 3 of the 2005 Act restricting the location of drinks promotions on the premises and prohibiting certain drinks promotions from taking place in the vicinity of the premises. These restrictions only apply to premises which, to the extent that they are used for the sale of alcohol, are used only or primarily for the sale of alcohol for consumption off the premises. A “drinks promotion” is only a promotion relating to the buying of alcohol for consumption off the premises. As amended, paragraph 13 provides that any drinks promotion undertaken in connection with the premises in respect of off-sales of alcohol on the premises may take place only in the alcohol display areas or in a tasting room. A drinks promotion in the vicinity of the premises will only be prohibited under paragraph 13 if it is “in connection with the premises”. This means that a licence-holder will not breach the licence condition if there is a drinks promotion in the vicinity of the premises that is not in connection with the premises. The “vicinity” means the area extending 200 metres from the boundary of the premises as shown on the layout plan.
18. [Section 5\(4\)](#) and [\(5\)](#) amends paragraph 13 to provide that the display of branded non-alcoholic products (products that bear a name or image of an alcoholic product such as football tops, slippers, tea towels etc.) which are not for sale may constitute a drinks promotion and, if so, may only be displayed in alcohol display areas or in a tasting room. Newspapers, magazines and other publications which are not for sale may only constitute a drinks promotion if they relate only or primarily to alcohol. If newspapers, magazines or other publications do constitute a drinks promotion then they may only be displayed in an alcohol display area or a tasting room. Where newspapers, magazines and other publications are for sale then they will not be drinks promotions and so may be displayed anywhere on the premises.