
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 144

**The Tobacco Advertising and Promotion
(Point of Sale) (Scotland) Regulations 2004**

Point of sale

3.—(1) In these Regulations, “point of sale” means a point within any fixed or movable premises at which a gantry or display unit is affixed.

(2) Except where regulation 5 applies, these Regulations apply only to advertisements published at the point of sale and not elsewhere.

(3) Subject to paragraph (4), where there is more than one point of sale within any premises, tobacco products may be advertised at only one of those points of sale.

(4) Where premises are occupied by more than one separate business, tobacco products may be advertised at only one point of sale within the part of the premises occupied by each of those businesses.

(5) For the purposes of paragraph (4), “separate business” means a business which is—

- (a) controlled and managed by a single individual who, or by a firm, company or group of companies which, controls and manages only one business which sells tobacco products in the premises in question;
- (b) managed separately from any other business in those premises which sells tobacco products; and
- (c) carried on in a distinct part of the premises which is separate from any other part of the premises in which tobacco products are sold.

(6) “Place” in section 4(3)(a) of the Act means—

- (a) the point of sale; and
- (b) the place where a tobacco vending machine is located.