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STATUTORY INSTRUMENTS

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**2010 No. 863**

**The Tobacco Advertising and Promotion  
(Display of Prices) (England) Regulations 2010**

**Interpretation**

2.—(1) In these Regulations—

“the Act” means the Tobacco Advertising and Promotion Act 2002;

“bulk tobacconist” means a shop selling tobacco products (whether or not it also sells other products) from a part of the shop (“the tobacco area”) from which tobacco products are not visible outside such area and whose 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; and
- (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;

“original package” means the package in which the cigarettes or hand-rolling tobacco were supplied for the purpose of retail sale by the manufacturer or importer and “packaged for sale” shall be construed accordingly;

“other feature” means a logo, trademark, symbol, motto, type-face, colour or pattern of colour, picture, artwork, imagery, appearance, message or other indication that constitutes all or part of the recognisable identity of a product, but does not include a bar code or stock number;

“package” means any box, carton, or other container;

“premises” includes any place and any vehicle, vessel, hovercraft, stall or moveable structure;

“price list” means a list of the prices of tobacco products normally offered for sale in the place where such list is displayed or made available;

“shop” means any premises where there is carried on a trade or business consisting wholly or mainly of the sale of goods;

“storage unit” means a gantry, cabinet or unit, tray, shelf or other product in which a tobacco product is held pending sale.

- (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.