
STATUTORY INSTRUMENTS

2016 No. 507

The Tobacco and Related Products Regulations 2016

PART 1

Introduction

Meaning of producer and supplier etc.

3.—(1) For the purposes of these Regulations a person produces a tobacco product or related product if in the course of a business and with a view to the product being supplied for consumption in the United Kingdom or through the travel retail sector, the person—

- (a) manufactures the product;
- (b) puts a name, trade mark or other distinguishing mark on it by which the person is held out to be its manufacturer or originator; or
- (c) imports it into the United Kingdom,

and the terms “producer” and “importer” are to be construed accordingly.

(2) For the purposes of these Regulations a person supplies a tobacco product or related product if, in the course of a business, the person—

- (a) supplies the product—
 - (i) for consumption in the United Kingdom or through the travel retail sector, or
 - (ii) with a view to the product being supplied for consumption in the United Kingdom or through the travel retail sector;
- (b) offers or agrees to supply it in those circumstances; or
- (c) exposes or possesses it for supply in those circumstances,

and “supplier” is to be construed accordingly.

(3) In the case of a cross-border distance sale of a product to a consumer located in the United Kingdom, the product is to be treated for the purposes of these Regulations as supplied, and presented for retail sale, in the United Kingdom.

(4) In these Regulations, “cross-border distance sale” means a distance sale to a consumer where, at the time the consumer orders a product from a retailer, the consumer is located in a member State other than the member State or third country where the retailer is established, and for these purposes—

- (a) a retailer means a person who sells, or offers or agrees to sell, a tobacco product or related product to a consumer; and
- (b) a retailer is deemed to be established in a member State—
 - (i) in the case of a retailer who is a natural person, if that person’s place of business is in that member State, and

- (ii) in any other case, if the retailer has its statutory seat, central administration or place of business, including a branch, agency or any other establishment, in that member State.