Draft Regulations laid before Parliament under section 19(3) of the Tobacco Advertising and Promotion Act 2002, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2010 No. XXX

PUBLIC HEALTH, ENGLAND

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

Made - - - -	*000*
Coming into force	
for the purpose of large shops	*1st October 2011*
for all other purposes	*1st October 2013*

The Secretary of State, in exercise of the powers conferred by sections 7C and 19(2) of the Tobacco Advertising and Promotion Act 2002(**1**), makes the following Regulations.

A draft of these Regulations was laid before Parliament in accordance with section 19(3) of that Act(**2**) and approved by resolution of each House of Parliament.

Citation, commencement and application

1.—(1) These Regulations may be cited as the Tobacco Advertising and Promotion (Display of Prices) (England) Regulations 2010 and come into force—

(a) for the purpose of large shops, on 1st October 2011; and

(b) for all other purposes, on 1st October 2013.

(2) These Regulations apply in relation to England.

(3) For the purposes of this regulation—

"large shop" means a shop which has a relevant floor area exceeding 280 square metres; and

"relevant floor area", in relation to a shop, means the internal floor area of so much of the shop as consists of or is comprised in a building but excluding any part of the shop which is used neither for the serving of customers in connection with the sale of goods nor for the display of goods.

(**1**) 2002 c. 36. Section 7C was inserted into the Tobacco Advertising and Promotion Act 2002 by section 21 of the Health Act 2009 (c. 21) ("the 2009 Act").

(**2**) Section 19(3) was substituted by section 24 of, and Schedule 4, paragraph 11(1) and (4) to, the 2009 Act.

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.

Meaning of "place"

3. For the purposes of section 7C of the Act, "place" means premises in England where tobacco products are offered for sale in the course of a business, other than premises—

(a) which are accessible only to persons who are engaged in, or employed by, a business which is part of the tobacco trade, and

(b) from which the prices of tobacco products are not visible from the outside of the premises.

Display of prices of tobacco products

4.—(1) The requirements specified below apply for the purposes of section 7C of the Act.

(2) Subject to regulation 9, a display of prices of tobacco products in a place shall—

(a) in all cases, comply with the general requirements specified in regulation 5, and,

(b) comply with the requirements specified in—

(i) regulation 6 (in relation to price lists),

(ii) regulation 7 (in relation to price lists available on request), or

(iii) regulation 8 (in relation to the display of prices on storage units).

(3) Where a display of prices of tobacco products in a place also amounts to an advertisement for the purposes of the Act, if it complies with the requirements of these Regulations it is to be treated as a display of prices and not as an advertisement for the purposes of offences under the Act.

General requirements for the display of prices of tobacco products

5. The requirements are that a display of prices of tobacco products—

(a) shall be limited to the following information in relation to tobacco products—

(i) the brand name of the product,

(ii) where pre-packed, the number of units in the package or, where sold by weight, the net weight of the product,

(iii) in relation only to cigars, the country of origin and dimensions;

(iv) in relation only to pipe tobaccos, the cut and type of tobacco used; and

(v) the price of the product(**3**);

(b) shall be printed—

(i) in black Helvetica plain type on a white background,

(ii) in type which has a consistent size throughout the text, and

(iii) in lower case type, except that the first letter of a word may be in upper case type; and

(c) except as otherwise provided by regulation 7(1)(e), must not contain any other feature.

Price lists

6.—(1) The requirements are—

(a) that the display of prices of tobacco products is in the form of a price list; and

(b) that the price list—

(i) has the title "Tobacco products price list", and

(ii) may include sub-headings for "cigarettes", "hand rolling tobacco", "cigars", "pipe tobaccos", and "other tobacco products",

(iii) does not include the prices of any other products,

(iv) is worded with characters which are no higher than 7 millimetres,

(v) has no border or frame,

(vi) does not exceed 1250 square centimetres in size; and

(vii) is limited in number in accordance with paragraph (2).

(2) The price list shall be limited in number to one price list for each separate area where tobacco products are both located and can be paid for.

Price lists: available only on request

7.—(1) The requirements are—

(**3**) The indication of the selling price of all products, including tobacco products, is regulated by the Price Marking Order 2004 (S.I. 2004/102).