

**The Tobacco Products
(Exceptions, Exemptions and Defences) (Guernsey)
Regulations, 2014**

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SCHEDULE Conditions for display of prices in tobacco-licensed premises.

**The Tobacco Products
(Exceptions, Exemptions and Defences) (Guernsey)
Regulations, 2014**

<i>Made</i>	<i>1st December, 2014</i>
<i>Coming into operation</i>	<i>1st June, 2015</i>
<i>Laid before the States</i>	<i>, 2015</i>

THE HEALTH AND SOCIAL SERVICES DEPARTMENT, in exercise of the powers conferred on it by sections 25(2), 26(1)(b), 30(2), 48(2)(a) and 51 of the Tobacco Products (Guernsey) Ordinance, 2014^a, section 3(1)(b) of the Tobacco Advertising (Guernsey) Law, 1997^b and all other powers enabling it in that behalf, hereby makes the following Regulations:-

Authorised displays in tobacco-licensed premises

Exceptions for displays authorised under these Regulations.

1. No offence is committed under section 25(1) of the Ordinance or section 1(1) of the Tobacco Advertising (Guernsey) Law, 1997 in relation to a display authorised under any of regulations 2 to 7.

Display by wholesale licensee in the course of wholesale sale.

2. A wholesale licensee may display tobacco products in tobacco-licensed premises to the extent that the display is made in the course of a wholesale

^a Approved by the States of Deliberation on the 26th November, 2014.

^b Ordres en Conseil Vol. XXXVII, p. 313; amended by Recueil d'Ordonnances Tome XXIX, p. 406 and prospectively amended by the Tobacco Products (Guernsey) Ordinance, 2014, approved by the States of Deliberation on the 26th November, 2014.

sale.

Display as sole consequence of requested display.

3. (1) A licensee may display tobacco products in tobacco-licensed premises as a consequence of a request made by an adult, to the extent that the display complies with condition A or condition B.

(2) Condition A is that –

- (a) the tobacco products are displayed in a storage unit, the area of which does not exceed 1.5 square metres, and
- (b) the display lasts for no longer than is necessary to remove the requested product from the storage unit.

(3) Condition B is that –

- (a) the tobacco products are displayed otherwise than in a storage unit, and
- (b) the display lasts for no longer than necessary to respond to the request.

Display during restocking, etc.

4. (1) A licensee may display tobacco products in tobacco-licensed premises to the extent that the display complies with condition A or condition B.

(2) Condition A is that –

- (a) the tobacco products are displayed in a storage unit, the

area of which does not exceed 1.5 square metres, and

(b) the display –

(i) occurs in the course of an activity listed in paragraph (3) being actively carried out in the ordinary course of business in relation to tobacco products,

(ii) is solely as a consequence of that activity being carried out, and

(iii) lasts for no longer than necessary to allow that activity to be carried out.

(3) The activities referred to in paragraph (2)(b)(i) are –

(a) assessing stock levels for the purposes of stock control,

(b) restocking,

(c) staff training,

(d) cleaning of the storage unit,

(e) maintenance of the storage unit, or

(f) refurbishment of the storage unit.

(4) Condition B is that –

- (a) the tobacco products are displayed otherwise than in a storage unit,
- (b) the tobacco products are displayed only in the course of being placed in a storage unit during restocking, and
- (c) the display lasts for no longer than necessary to place the products in the storage unit.

Display in enclosed places where children are not permitted access.

5. A licensee may display tobacco products in a wholly enclosed place within tobacco-licensed premises, if –

- (a) the products are not visible to any person outside that place,
- (b) the licensee has taken reasonable steps to deny anyone other than adults admission to that place, and
- (c) if any person other than an adult is admitted to that place, the licensee had taken reasonable steps to establish the age of that person before admitting that person to that place.

Restricted display of prices of tobacco products.

6. A licensee may display prices of tobacco products in tobacco-licensed premises to the extent that the display complies with condition A and at least one of conditions B, C or D in the Schedule.

Display to authorised officers, etc.

7. A licensee may display tobacco products, prices of tobacco products or an advertisement of tobacco products in tobacco-licensed premises, to the extent that the display is made as a consequence of a request by one of the following officers acting in the course of that officer's duty –

- (a) an authorised officer,
- (b) a police officer, or
- (c) a customs officer.

Vending machines not available for use other than by licensee, etc.

8. It is a defence for a person charged with an offence relating to a vending machine for tobacco products under section 30(1) of the Ordinance, to prove that –

- (a) the machine is not available for use by anyone other than a licensee or an authorised employee of a licensee, and
- (b) the licensee has taken reasonable steps to prevent anyone other than the licensee or an authorised employee of the licensee from having access to that vending machine.

Acceptable documents for establishing a person's age.

9. The following kinds of documents are prescribed for the purposes of section 48(2)(a) of the Ordinance –

- (a) a passport or photographic driving licence issued by the competent authority of any country or territory, and
- (b) a CitizenCard proof of identity and age Card issued by

CitizenCard Limited or an equivalent person in the United Kingdom.

Interpretation.

10. (1) In these Regulations, unless the context requires otherwise –

"**adult**" means an individual who is of or over the age of 18 years,

"**advertisement**" has the meaning given to it by section 4 of the Law,

"**area**", in relation to any storage unit, means the total area of the storage unit in which the tobacco products and any other products are visible,

"**child**" means any person below the age of 18 years,

"**customs officer**" means an officer within the meaning of section 1(1) of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972^c,

"**the Law**" means the Tobacco Products (Enabling Provisions) (Guernsey) Law, 2010^d,

"**licence**" means a licence granted or renewed under Part II of the Ordinance,

^c

Ordres en Conseil Vol. XXIII, p. 573; as variously amended.

^d

Order in Council No. IV of 2012.

"licensee" means any person holding a licence, and includes an employee or agent of the person acting on that person's behalf,

"the Ordinance" means the Tobacco Products (Guernsey) Ordinance, 2014,

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

"tobacco product" has the meaning given by section 5 of the Law and includes anything deemed to be a tobacco product by section 2 of the Ordinance,

"tobacco-licensed premises" means premises licensed under Part II of the Ordinance,

"wholesale licence" means a licence authorising wholesale sales of tobacco products,

"wholesale licensee" –

- (a) means a person who holds a wholesale licence, and
- (b) includes any employee or agent of that person, acting on that person's behalf,

"wholesale sale", in relation to a tobacco product, means sale of the product to a person who buys it for the purpose of selling or supplying it in the course of a business carried on by that person, and

cognate expressions are to be construed accordingly.

(2) The Interpretation (Guernsey) Law, 1948^e applies to the interpretation of these Regulations.

(3) Any reference in these Regulations to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

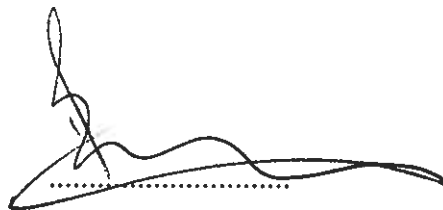
Citation.

11. These Regulations may be cited as the Tobacco Products (Exceptions, Exemptions and Defences) (Guernsey) Regulations, 2014.

Commencement.

12. These Regulations come into force on the 1st June, 2015.

Dated this 1st day of DECEMBER, 2014

A handwritten signature in black ink, consisting of a stylized, cursive script. The signature is written over a horizontal dotted line.

Deputy Paul A. Luxon

Minister of the Health and Social Services Department

For and on behalf of the Department.

^e

Ordres en Conseil Vol. XIII, p. 355.

SCHEDULE

CONDITIONS FOR DISPLAY OF PRICES IN TOBACCO-LICENSED PREMISES

Regulation 6

1. Condition A is that the display –
 - (a) is 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,
 - (b) is 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 paragraph (e) of Condition C, does not contain any other feature.

2. Condition B is that the display –

- (a) is in the form of a price list,
- (b) has the title "Tobacco products price list",
- (c) may include sub-headings for "cigarettes", "hand rolling tobacco", "cigars", "pipe tobaccos", and "other tobacco products",
- (d) does not include the prices of any other products,
- (e) is such that no character is higher than 7 millimetres,
- (f) has no border or frame,
- (g) does not exceed 1250 square centimetres in size, and
- (h) is limited in number to one price list for each separate area where tobacco products are both located and can be paid for.

3. Condition C is that –

- (a) the display is in the form of a price list which is made available to a person following a particular request by the person for information about tobacco products for sale in the place where such request takes place,

- (b) the person displaying the price list –
 - (i) believes the person making the request to be an adult, and
 - (ii) has, before displaying that price list, taken reasonable steps to establish the age of the person making the request,
- (c) the price list is displayed for no longer than is needed for the person to obtain the information sought by that person,
- (d) the wording on the price list –
 - (i) is such that no character is greater than 7 millimetres high,
 - (ii) is in black Helvetica plain type on a white background,
 - (iii) is in a type which has a consistent size throughout the text, and
 - (iv) is in lower case type, except that the first letter of a word may be in upper case type,
- (e) the only other feature displayed is a picture of the actual tobacco product, as packaged for sale, and the size of such picture does not exceed 50 square centimetres, and
- (f) the price list is limited in number to –
 - (i) one price list for each separate area where tobacco products are both located and can be paid for, or

- (ii) where there is more than one till at any such location, one price list for each such till.

4. Condition D is that the display –

- (a) is a display of the price of a tobacco product on a storage unit where that particular product is kept pending sale,
- (b) is such that no character is higher than 10 millimetres,
- (c) is in a style (including type, size of font and colour) that is consistent with displays of prices on storage units for products that are not tobacco products on sale in the same premises (if any), and
- (d) is limited in number to one display for each separate location in a storage unit where a particular tobacco product is held.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations authorise displays of tobacco products and prices in tobacco-licensed premises in limited circumstances and exempts such displays from the offence under section 25(1) of the Tobacco Products (Guernsey) Ordinance, 2014 ("**the Ordinance**") and the offence under section 1(1) of the Tobacco Advertising (Guernsey) Law, 1997.

These Regulations also prescribe an exception to the prohibition of vending machines for tobacco products. The exception applies where the vending machine is available for use only by a licensee or an authorised employee and the licensee has taken reasonable steps not to allow any other person access to that machine.

These Regulations prescribe passports, photographic driving licences and UK-issued CitizenCards as the only kinds of documents that would be regarded as acceptable to establish the age of a person, for the purposes of the Ordinance and these Regulations.

These Regulations will come into force on the 1st June, 2015.