

2002 No. 512 (C. 26)

CONSUMER PROTECTION

**The Tobacco Advertising and Promotion Act 2002
(Commencement) (Scotland) Order 2002**

Made

19th November 2002

The Scottish Ministers, in exercise of the powers conferred by section 22(1) to (3) of the Tobacco Advertising and Promotion Act 2002(a), and all other powers enabling them in that behalf, hereby make the following Order:

Citation, interpretation and extent

1.—(1) This Order may be cited as the Tobacco Advertising and Promotion Act 2002 (Commencement) (Scotland) Order 2002.

(2) In this Order “section” means a section of the Tobacco Advertising and Promotion Act 2002.

(3) This Order extends to Scotland only.

Appointed days

2.—(1) For the purposes of making regulations 20th November 2002 is the day appointed for the coming into force of—

- (a) section 1;
- (b) section 4(3) and (4);
- (c) section 11(1) to (3); and
- (d) sections 19 to 21.

(2) 14th February 2003 is the day appointed for the coming into force of—

- (a) section 1, so far as not already in force;
- (b) section 2, except in the case of a tobacco advertisement which is, or is to be, published, printed, devised or distributed solely—
 - (i) for the purposes of a distribution that is restricted to those members of the public who before 8th October 1999 requested their inclusion in such distributions;
 - (ii) for the purposes of the promotion of a tobacco product in a place or on a website where tobacco products are offered for sale; or
 - (iii) in circumstances in which the tobacco advertisement uses the name, emblem or other feature of a tobacco product in connection with a product (other than a tobacco product) which has a function in addition to that of carrying advertising and the advertisement is not published in a newspaper, periodical or other electronic or paper publication or carried on a billboard, wall or other fixed or moveable surface which serves a function similar to that of a billboard;
- (c) section 3;
- (d) section 4(1) and (2);
- (e) sections 5 to 8;

(a) 2002 c.36; “appropriate Minister” is defined in section 21.

- (f) section 9, except in relation to any case where a free distribution consists solely of the distribution of a coupon which–
 - (i) is enclosed within a pack or part of a pack containing a tobacco product;
 - (ii) has a nominal cash value not exceeding one penny; and
 - (iii) is capable of being exchanged for goods but not other products, services or benefits;
 - (g) section 10;
 - (h) section 11(4);
 - (i) sections 12 to 18; and
 - (j) section 21, so far as not already in force.
- (3) 14th May 2003 is the appointed day for the coming into force of–
- (a) section 2, in so far as it relates to an advertisement excepted by virtue of paragraph (2)(b)(i); and
 - (b) section 9, so far as not already in force.

St Andrew's House,
Edinburgh
19th November 2002

MARY MULLIGAN
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which extends to Scotland only, brings into force all of the provisions of the Tobacco Advertising and Promotion Act 2002 except for—

- (a) section 2 in relation to any tobacco advertisement which is, or is to be, published, printed, devised or distributed solely—
 - (i) for the promotion of a tobacco product in a place or on a website where tobacco products are offered for sale; or
 - (ii) in circumstances in which the tobacco advertisement uses the name, emblem or other feature of a tobacco product in connection with a product (other than a tobacco product) which has a function in addition to that of carrying advertising and the advertisement is not published in a newspaper, periodical or other electronic or paper publication or carried on a billboard, wall or other fixed or moveable surface which serves a function similar to that of a billboard; and
- (b) section 22 (which commenced on Royal Assent).

Article 2(1) appoints for the purposes of making regulations 20th November 2002 for sections 1, 4(3) and (4), 11(1) to (3), 19, 20 and 21.

Article 2(2) appoints 14th February 2003 for the purposes of sections 1 (in so far as not already in force), 3, 4 (in so far as not already in force), 5 to 8, and 10 and 12 to 18 and 21 (in so far as not already in force) and for certain purposes sections 2, 9 and 11.

Article 2(3) appoints 14th May 2003 for the remaining purposes of sections 2 (except in the circumstances set out in paragraph 1 above) and section 9 (so far as not already in force).

An equivalent commencement order for England, Wales and Northern Ireland is intended to be made.

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