

## 2003 No. 34

### PUBLIC HEALTH

#### The Tobacco Advertising and Promotion (Sponsorship Transitional Provisions) (Scotland) Regulations 2003

*Made* 23rd January 2003

*Laid before the Scottish Parliament* 23rd January 2003

*Coming into force* 14th February 2003

The Scottish Ministers, in exercise of the powers conferred by sections 19(2) and 20 of the Tobacco Advertising and Promotion Act 2002(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

#### **Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Tobacco Advertising and Promotion (Sponsorship Transitional Provisions) (Scotland) Regulations 2003 and shall come into force on 14th February 2003.

(2) These Regulations extend to Scotland only.

#### **Interpretation**

2. In these Regulations—

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

“exceptional global event” means an event or activity that takes place in at least two continents and three sovereign States.

#### **Sponsorship**

3.—(1) Subject to paragraph (2), section 10 of the Act shall not apply before 30th July 2003 to a sponsorship agreement which was in existence on 11th July 2001, including any agreement renewed since that date:

Provided that in the case of an agreement renewed since 11th July 2001, the amount spent on sponsorship pursuant to the agreement in any 12 month period does not exceed the amount spent in the 12 months ending on 11th July 2001.

(2) Section 10 of the Act shall not apply before 31st July 2005 to a sponsorship agreement which was in existence on 11th July 2001, including any agreement renewed since that date, which relates to an exceptional global event:

Provided that—

- (a) the amount spent on sponsorship pursuant to the agreement in the 12 months ending on 11th July 2001 was to the value of at least £2.5 million; and
- (b) after 29th July 2003,

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(a) 2002 c.36. “The appropriate Minister” is defined by section 21 as meaning, in relation to Scotland, the Scottish Ministers.

- (i) the amount spent on sponsorship pursuant to the agreement decreases at an annual rate of not less than 20 per cent compared to the previous year; and
- (ii) the total area of visible advertisements at any part of the exceptional global event taking place within the United Kingdom is reduced each year by not less than 20 per cent compared to the previous year.

St Andrew's House,  
Edinburgh  
23rd January 2003

*MARY MULLIGAN*  
Authorised to sign by the Scottish Ministers

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which extend to Scotland only, provide for certain transitional exceptions to the prohibition, under section 10 of the Tobacco Advertising and Promoting Act 2002 (“the Act”) on sponsorship agreements whose purpose or effect is to promote a tobacco product.

Regulation 3(1) provides that section 10 of the Act does not apply before 30th July 2003 to such an agreement which was in existence on 11th July 2001 or was renewed after 11th July 2001 provided the amount spent on sponsorship under the agreement in any 12 month period does not exceed the amount spent in the 12 months to 11th July 2001.

Regulation 3(2) provides that section 10 of the Act does not apply before 31st July 2005 to a sponsorship agreement in existence on 11th July 2001 or renewed after that date which relates to an exceptional global event. “Exceptional global event” is defined in regulation 2. That exception applies only where–

- (a) the amount spent on sponsorship pursuant to the agreement was to the value of at least £2.5 million in the 12 months to 11th July 2001; and
- (b) after 29th July 2003 the amount spent on the sponsorship decreases at an annual rate of not less than 20% compared to the previous year and the total area of visible advertisements at any part of the exceptional global event taking place in the United Kingdom is reduced each year by not less than 20% compared to the previous year.

A Regulatory Impact Assessment has been prepared and has been placed in the Scottish Parliament Information Centre. Copies may be obtained from the Scottish Executive Health Department, Substance Misuse Division, St Andrew’s House, Regent Road, Edinburgh EH1 3DG.

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**£1.75**

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under the authority and superintendence of Carol Tullo, the Queen's Printer for Scotland  
150 01/03 19593

