
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 144

**The Tobacco Advertising and Promotion
(Point of Sale) (Scotland) Regulations 2004**

General provisions

6.—(1) The provisions of these Regulations which provide that no offence is committed under section 2 of the Act do not apply to an advertisement which—

- (a) is displayed electronically on a screen or contains a moving image or a moving background, or an image or background which changes colour or is illuminated by flashing lights; or
- (b) is, or is designed or adapted to be, accompanied by any sound or smell.

(2) The provisions of these Regulations which provide that no offence is committed under section 2 of the Act apply only to advertisements which remain fixed in a static position.

(3) Where by virtue of any provision of these Regulations a person does not commit an offence under section 2 of the Act by the publication of an advertisement in a place, no offence is committed by any person who—

- (a) causes that advertisement to be published in that place; or
- (b) prints, devises or distributes that advertisement for use in that place or causes it to be so printed, devised or distributed.