



Tobacco Advertising and Promotion Act 2002

2002 CHAPTER 36

4 Advertising: exclusions

- (1) No offence is committed under section 2 or 3 in relation to a tobacco advertisement—
- (a) if it is, or is contained in, a communication made in the course of a business which is part of the tobacco trade, and for the purposes of that trade, and directed solely at persons who—
 - (i) are engaged in, or employed by, a business which is also part of that trade, and
 - (ii) fall within subsection (2),
in their capacity as such persons,
 - (b) if it is, or is contained in, the communication made in reply to a particular request by an individual for information about a tobacco product, or
 - (c) if it is contained in a publication (other than an in-flight magazine) whose principal market is not the United Kingdom (or any part of it), or if it is contained in any internet version of such a publication.
- (2) A person falls within this subsection if—
- (a) he is responsible for making decisions on behalf of the business referred to in subsection (1)(a)(i) about the purchase of tobacco products which are to be sold in the course of that business,
 - (b) he occupies a position in the management structure of the business in question which is equivalent in seniority to, or of greater seniority than, that of any such person, or
 - (c) he is the person who, or is a member of the board of directors or other body of persons (however described) which, is responsible for the conduct of the business in question.
- (3) The appropriate Minister may provide in regulations that no offence is committed under section 2 in relation to a tobacco advertisement which—
- (a) is in a place or on a website where tobacco products are offered for sale, and

Status: Point in time view as at 14/02/2003. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Tobacco Advertising and Promotion Act 2002, Section 4. (See end of Document for details)

- (b) complies with requirements specified in the regulations.
- (4) The regulations may, in particular, provide for the meaning of “place” in subsection (3) (a).

Commencement Information

- II** S. 4 not in force at Royal Assent see s. 22(1)(2); s. 4(3)(4) in force for the purpose of making regulations at 20.11.2002 by S.I. 2002/2865, **art. 2(1)(b)**; S.S.I. 2002/512, **art. 2(1)(b)**; s. 4(1)(2) in force at 14.2.2003 by S.I. 2002/2865, **art. 2(2)(d)**; S.S.I. 2002/512, **art. 2(2)(d)**

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