

## STATUTORY INSTRUMENTS

# 2006 No. 2369

## Tobacco Advertising and Promotion Act 2002 etc. (Amendment) Regulations 2006

PROSPECTIVE

### Amendment of section 4 of the Act

- 4.—(1) Section 4 (advertising: exclusions) of the Act is amended as follows.
- (2) In subsection (1), for the words “section 2 or 3” substitute “section 2, 3 or 3A”.
- (3) For subsection (1)(c) substitute—
- “**(c)** if it is contained in a publication (other than in an in-flight magazine)—
- (i) which is printed in a country which is not an EEA State, and
- (ii) whose principal market is not one or more of the EEA States (or any part of them).”.
- (4) After subsection (1)(c), insert—
- “**(d)** if it is published by means of an information society service by a person who does not carry on business in an EEA State and it is not intended to be accessed principally by persons in one or more EEA States (or any part of them).”.
- (5) After subsection (1), insert—
- “**(1A)** Subsection (1)(b) applies to a communication made by means of an information society service only if the request was made—
- (a) by means of an information society service which does not advertise any tobacco product to persons—
- (i) who have not made such a request, or
- (ii) who have not initiated a process by which a tobacco product may be purchased by means of that service; or
- (b) without using an information society service.
- (1B)** The supply of information to an individual is not a tobacco advertisement if—
- (a) an information society service provides a means by which tobacco products may be purchased which includes the provision of information about a tobacco product, and
- (b) the information becomes available only after the individual has initiated the process of making the purchase.”.
- (6) In subsection (3), omit the words “on a website”.
- (7) After subsection (4), insert—
- “**(5)** The Schedule has effect in relation to the liability of information society service providers.”.

**Status:** This version of this provision is prospective.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Tobacco Advertising and Promotion Act 2002 etc. (Amendment) Regulations 2006. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

### Commencement Information

**II** Reg. 4 in force at 28.9.2006, see [reg. 1\(1\)](#)

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**Changes and effects yet to be applied to :**

- reg. 4 coming into force by [S.I. 2006/2369](#) reg. 1(1)