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STATUTORY INSTRUMENTS

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**2019 No. 41**

**The Tobacco Products and Nicotine Inhaling Products  
(Amendment etc.) (EU Exit) Regulations 2019**

**PART 2**

Amendment of primary legislation

**Amendment of the Tobacco Advertising and Promotion Act 2002**

- 2.**—(1) The Tobacco Advertising and Promotion Act 2002<sup>(1)</sup> is amended as follows.
- (2) Omit section 2(4) (prohibition of tobacco advertising in the EEA)<sup>(2)</sup>.
- (3) In section 3A(1) (advertising: information society services)<sup>(3)</sup>—
- (a) in paragraph (a), omit “or”;
  - (b) omit paragraph (b).
- (4) In section 4(1) (advertising: exclusions)<sup>(4)</sup>—
- (a) in paragraph (c)—
    - (i) for “in a country which is not an EEA State”, substitute “outside the United Kingdom”;
    - (ii) for “one or more of the EEA States (or any part of them)”, substitute “the United Kingdom (or any part of the United Kingdom)”;
  - (b) in paragraph (d)—
    - (i) for “an EEA State”, substitute “the United Kingdom”;
    - (ii) for “one or more EEA States (or any part of them)”, substitute “the United Kingdom (or any part of the United Kingdom)”.
- (5) In section 5 (advertising: defences)<sup>(5)</sup>—
- (a) in subsection (1), after “section 3A(1)(a)”, omit “or (b)”;
  - (b) omit subsection (3A);
  - (c) in subsection (5)(c), for “an EEA State”, substitute “the United Kingdom”;
  - (d) omit subsection (5A).
- (6) Omit section 7D(3) (displays on a website)<sup>(6)</sup>.
- (7) Omit section 8(1A) (displays: Scotland)<sup>(7)</sup>.

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(1) 2002 c. 36.

(2) Section 2(4) was substituted by S.I. 2006/2369.

(3) Section 3A was inserted by S.I. 2006/2369.

(4) Section 4(1) was amended by S.I. 2006/2369.

(5) Section 5 was amended by S.I. 2006/2369.

(6) Section 7D was inserted by section 21 of the Health Act 2009 (c.21).

(7) Subsection (1A) was inserted by paragraph 4(3) of Schedule 4 to the Health Act 2009.

- (8) Omit section 9(1A) (prohibition of free distributions)(**8**).
- (9) Omit section 11(5) (brandsharing)(**9**).
- (10) In section 21(1) (interpretation), omit the definition of “EEA State”(**10**).

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(8) Subsection (1A) was inserted by paragraph 5(2) of Schedule 4 to the Health Act 2009.  
(9) Subsection (5) was substituted by paragraph 6(3) of Schedule 4 to the Health Act 2009.  
(10) The definition of “EEA State” was inserted by [S.I. 2006/2369](#).