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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>M1</sup> is amended as follows.
- (2) Omit section 2(4) (prohibition of tobacco advertising in the EEA) <sup>M2</sup>.
- (3) In section 3A(1) (advertising: information society services) <sup>M3</sup>—
- (a) in paragraph (a), omit “or”;
  - (b) omit paragraph (b).
- (4) In section 4(1) (advertising: exclusions) <sup>M4</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>M5</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>M6</sup>.
- (7) Omit section 8(1A) (displays: Scotland) <sup>M7</sup>.
- (8) Omit section 9(1A) (prohibition of free distributions) <sup>M8</sup>.
- (9) Omit section 11(5) (brandsharing) <sup>M9</sup>.
- (10) In section 21(1) (interpretation), omit the definition of “EEA State” <sup>M10</sup>.

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**Commencement Information**

- I1** Reg. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)
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**Marginal Citations**

- M1** [2002 c. 36](#).
- M2** Section 2(4) was substituted by [S.I. 2006/2369](#).
- M3** Section 3A was inserted by [S.I. 2006/2369](#).
- M4** Section 4(1) was amended by [S.I. 2006/2369](#).
- M5** Section 5 was amended by [S.I. 2006/2369](#).
- M6** Section 7D was inserted by section 21 of the [Health Act 2009 \(c.21\)](#).
- M7** Subsection (1A) was inserted by paragraph 4(3) of Schedule 4 to the Health Act 2009.
- M8** Subsection (1A) was inserted by paragraph 5(2) of Schedule 4 to the Health Act 2009.
- M9** Subsection (5) was substituted by paragraph 6(3) of Schedule 4 to the Health Act 2009.
- M10** The definition of “EEA State” was inserted by [S.I. 2006/2369](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Tobacco Products and Nicotine Inhaling Products (Amendment etc.) (EU Exit) Regulations 2019, Section 2.