



Tobacco Advertising and Promotion Act 2002

2002 CHAPTER 36

21 Interpretation

[^{F1}(1)] In this Act—

[^{F2}“appropriate Minister”—

- (a) in relation to England, means the Secretary of State,
- (b) in relation to Wales, means the Welsh Ministers,
- (c) in relation to Northern Ireland, means the Department of Health, Social Services and Public Safety, and
- (d) in relation to Scotland, means the Scottish Ministers.]

[^{F3} “the Directive” means Directive [2000/31/ EC](#) of the European Parliament and of the Council of 8th June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce);]

^{F4}
...

[^{F3}“information society services”—

- (a) has the meaning set out in Article 2(a) of the Directive (which refers to Article 1(2) of Directive [98/34/ EC](#) of the European Parliament and of the Council of 22nd June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations, as amended by Directive [98/48/ EC](#) of 20th July 1998); and
- (b) is summarised in recital 17 of the Directive as covering ‘any service normally provided for remuneration, at a distance, by means of electronic equipment for the processing (including digital compression) and storage of data, and at the individual request of a recipient of a service’;]

“public” means the public generally, any section of the public or individually selected members of the public,

“purpose” includes one of a number of purposes, and

Changes to legislation: There are currently no known outstanding effects for the Tobacco Advertising and Promotion Act 2002, Section 21. (See end of Document for details)

[^{F3}“service provider” means a person providing an information society service;]

“tobacco advertisement” and “tobacco product” have the meaning given in section 1,

and references to publishing include any means of publishing (and include, in particular, publishing by any electronic means, for example by means of the internet).

[^{F5}(2) For the purposes of this Act—

- (a) an establishment, in connection with an information society service, is the place at which the service provider effectively pursues an economic activity for an indefinite period;
- (b) the presence or use in a particular place of equipment or other technical means of providing an information society service does not, of itself, constitute that place as an establishment of the kind mentioned in paragraph (a);
- (c) where it cannot be determined from which of a number of establishments a given information society service is provided, that service is to be regarded as provided from the establishment where the service provider has the centre of his activities relating to the service,

and references to a person being established in any place must be construed accordingly.]

Textual Amendments

- F1** S. 21 renumbered as s. 21(1) (28.9.2006) by [Tobacco Advertising and Promotion Act 2002 \(Amendment\) Regulations 2006 \(S.I. 2006/2369\)](#), regs. 1(1), **8(2)**
- F2** Words in s. 21(1) substituted (12.11.2009 for specified purposes, 6.4.2012 for E. in so far as not already in force, 31.10.2012 for N.I. in so far as not already in force, 3.12.2012 for W. in so far as not already in force) by [Health Act 2009 \(c. 21\)](#), s. 40(1)(6)(c), **Sch. 4 para. 12**; [S.I. 2010/1068](#), art. 2(1A)(b)(iv) (as amended (9.5.2011) by [S.I. 2011/1255](#), art. 2(a)(b)); [S.R. 2012/389](#), art. 2(1)(b)(v); [S.I. 2012/1288](#), art. 2(2)(b)(iii)
- F3** Words in s. 21(1) inserted (28.9.2006) by [Tobacco Advertising and Promotion Act 2002 \(Amendment\) Regulations 2006 \(S.I. 2006/2369\)](#), regs. 1(1), **8(3)**
- F4** Words in s. 21(1) omitted (31.12.2020) by virtue of [The Tobacco Products and Nicotine Inhaling Products \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/41\)](#), regs. 1, **2(10)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** S. 21(2) inserted (28.9.2006) by [Tobacco Advertising and Promotion Act 2002 \(Amendment\) Regulations 2006 \(S.I. 2006/2369\)](#), regs. 1(1), **8(4)**

Commencement Information

- I1** S. 21 wholly in force at 14.2.2003; s. 21 not in force at Royal Assent see s. 22(1)(2); s. 21 in force for certain purposes at 20.11.2002 by [S.I. 2002/2865](#), **art. 2(1)(d)**; [S.S.I. 2002/512](#), **art. 2(1)(d)**; s. 21 in force in so far as not already in force at 14.2.2003 by [S.I. 2002/2865](#), **art. 2(2)(j)**; [S.S.I. 2002/521](#), **art. 2(2)(j)**
- I2** S. 21 in force at 14.2.2003 for S. so far as not already in force by [S.S.I. 2002/512](#), **art. 2(2)(j)**
- I3** S. 21 in force at 14.2.2003 for E.W.N.I. so far as not already in force by [S.I. 2002/2865](#), **art. 2(2)(j)**

Changes to legislation:

There are currently no known outstanding effects for the Tobacco Advertising and Promotion Act 2002, Section 21.