
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 546 (C.41)

CONSUMER PROTECTION

**The Tobacco Advertising and Promotion Act 2002
(Commencement No. 8) (Scotland) Order 2004**

Made - - - - 17th December 2004

The Scottish Ministers, in exercise of the powers conferred by section 22(1) and (2) of the Tobacco Advertising and Promotion Act 2002⁽¹⁾ and all other powers enabling them in that behalf, hereby make the following Order:

Citation, extent and interpretation

1.—(1) This Order may be cited as the Tobacco Advertising and Promotion Act 2002 (Commencement No. 8) (Scotland) Order 2004.

(2) This Order extends to Scotland only.

(3) In this Order “the Act” means the Tobacco Advertising and Promotion Act 2002.

Appointed days

2.—(1) 21st December 2004 is the appointed day for the coming into force of section 2 of the Act in the case of a tobacco advertisement which is, or is to be, published, printed, devised or distributed solely for the purposes of the promotion of a tobacco product in a place where tobacco products are offered for sale.

(2) 31st July 2005 is the appointed day for the coming into force of—

(a) section 2 of the Act, other than in the case of a tobacco advertisement which is, or is to be, published, devised or distributed solely for the purpose of the promotion of a tobacco product on a website where tobacco products are offered for sale; and

(b) sections 3, 9 and 10 of the Act in so far as those sections are not already in force.

(1) 2002 c. 36; “appropriate Minister” is defined in section 21.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

St Andrew's House, Edinburgh
17th December 2004

RHONA BRANKIN
Parliamentary Under Secretary of State
Department

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which extends to Scotland only, brings into force the remaining provisions of the Tobacco Advertising and Promotion Act 2002 (“the Act”), except for section 2 in relation to website advertising. Certain provisions have already been brought into force in Scotland by three earlier commencement orders ([S.I. 2002/512](#), [S.S.I. 2003/80](#) and [S.S.I. 2003/113](#)).

Article 2(1) of this Order commences, on 21st December 2004, section 2 of the Act in respect of tobacco advertising in places where tobacco products are offered for sale.

Article 2(2) of this Order commences on 31st July 2005–

- (a) section 2 of the Act for all purposes other than website advertising; and
- (b) sections 3, 9 and 10 in so far as those sections are not already in force.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force by commencement orders made before the date of this Order.

<i>Commencement Order</i>	<i>Provisions</i>	<i>Date of Commencement</i>	<i>S.I. Number</i>
Commencement Order No. 1 (does not apply to Scotland)	Section 1 (partially)	20th November 2002	2002/2865 (2)
	Section 1	14th February 2003	
	Section 2 (partially)	14th February 2003	
	Section 2 (partially)	14th May 2003	
	Section 3 (partially)	14th February 2003	
	Section 4(1) and (2)	14th February 2003	
	Section 4(3) and (4) (partially)	20th November 2002	
	Sections 5 to 8	14th February 2003	
	Section 9 (partially)	14th February 2003	
	Section 9 (partially)	14th May 2003	
	Section 10 (partially)	14th February 2003	
	Section 11(1) to (3) (partially)	20th November 2002	

(2) [S.I. 2002/2865](#) was amended by [S.I. 2003/258](#).

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<i>Commencement Order</i>	<i>Provisions</i>	<i>Date of Commencement</i>	<i>S.I. Number</i>
	Section 11(4)	14th February 2003	
	Sections 12 to 18	14th February 2003	
	Section 19 (partially)	20th November 2002	
	Section 20 (partially)	20th November 2002	
	Section 21 (partially)	20th November 2002	
	Section 21	14th February 2003	
Commencement Order No. 2 (applies only to Scotland)	section 1 (partially)	20th November 2002	2002/512(3)
	section 1	14th February 2003	
	section 2 (partially)	14th February 2003	
	section 2 (partially)	14th May 2003	
	section 3	14th February 2003	
	section 4(1) and (2)	14th February 2003	
	section 4(3) and (4) (partially)	20th November 2002	
	sections 5 to 8	14th February 2003	
	section 9 (partially)	14th February 2003	
	section 9 (partially)	14th May 2003	
	section 10	14th February 2003	
	section 11(1) to (3) (partially)	20th November 2002	
	section 11(4)	14th February 2003	
	sections 12 to 18	14th February 2003	
	Section 19	12th February 2003	
	section 20 (partially)	20th November 2002	
	section 21 (partially)	20th November 2002	
	section 21	14th February 2003	
Commencement Order No. 3 (does not apply to Scotland)	Section 19	11th February 2003	2003/258
Commencement Order No. 5 (applies only to Scotland)	section 4(3) and (4)	25th February 2003	2003/113
	section 11(1) to (3)	25th February 2003	

(3) [S.S.I. 2002/512](#) was amended by [S.S.I. 2003/80](#).

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<i>Commencement Order</i>	<i>Provisions</i>	<i>Date of Commencement</i>	<i>S.I. Number</i>
	section 20	25th February 2003	
Commencement Order No. 6 (does not apply to Scotland)	Section 4(3) and (4)	26th February 2003	2003/396
	Section 11(1) to (3)	26th February 2003	
	Section 20	26th February 2003	
Commencement Order No. 7 (does not apply to Scotland)	section 2 (partially)	21st December 2004	2004/3138
	Section 2 (partially)	31st July 2005	
	Section 3	31st July 2005	
	Section 9	31st July 2005	
	Section 10	31st July 2005	