

*These notes refer to the Tobacco Advertising and Promotion Act
2002 (c.36) which received Royal Assent on 7 November 2002*

TOBACCO ADVERTISING AND PROMOTION ACT 2002

EXPLANATORY NOTES

BACKGROUND

4. The United Kingdom Government entered office in 1997 with a manifesto commitment to ban tobacco advertising. Initially the government proposed to fulfil its commitment through implementing Directive 98/43/EC¹ banning tobacco advertising, promotion and sponsorship. Two consultation documents on implementing the tobacco advertising ban were published, on 10 December 1998 (at the same time as the White Paper "Smoking Kills"²) and 17 June 1999³. The latter consultation document included draft regulations to implement the Directive. However, the Directive was annulled by the European Court of Justice⁴ on the grounds of an incorrect legal (treaty) base. A Government Bill to fulfil the manifesto commitment was introduced in the 2000/2001 Parliamentary session but fell when the 2001 election was called. This measure, in identical terms, was then introduced in the House of Lords as a Private Members Bill by Lord Clement-Jones and on completing progress through the House of Lords was adopted as a Government Bill.
5. An advertising ban is part of the Government's tobacco control strategy, as set out in "Smoking Kills", published on 10 December 1998. The Government believes that such a ban could reduce tobacco consumption in the longer term by 2.5%. This would translate into an estimated 3000 lives per year saved.

¹ http://europa.eu.int/eur-lex/pri/en/oj/dat/1998/l_213/l_21319980730en00090012.pdf

² For copies - postal address: PO Box 29, Norwich, NR3 1GN, phone 020-7873-0011 (ISBN 0-10-141772-1)

³ For copies contact the Department of Health, Tobacco Policy Unit, Wellington House, Waterloo Rd, London SE1 8UG

⁴ http://www.europa.eu.int/eur-lex/en/search/search_case.html (search by case number 1998 376)