

---

STATUTORY INSTRUMENTS

---

**2004 No. 3138 (C.134)**

**CONSUMER PROTECTION**

**The Tobacco Advertising and Promotion Act  
2002 (Commencement No.7) Order 2004**

*Made - - - - 26th November 2004*

The Secretary of State for Health, in exercise of the powers conferred on him by section 22(1) and (2) of the Tobacco Advertising and Promotion Act 2002<sup>(1)</sup> and all other powers enabling him in that behalf, hereby makes the following Order:—

**Citation, extent and interpretation**

1.—(1) This Order may be cited as the Tobacco Advertising and Promotion Act 2002 (Commencement No.7) Order 2004.

(2) This Order applies to England, Wales and Northern Ireland 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;

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

---

**Status:** This is the original version (as it was originally made).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

---

Signed by authority of the Secretary of State for Health

26th November 2004

*Melanie Johnson*  
Parliamentary Under Secretary of State,  
Department of Health

---

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

This Order brings into force the following provisions of the Tobacco Advertising and Promotion Act 2002—

- (a) section 2 in respect of tobacco advertising in places where tobacco products are offered for sale (21st December 2004);
- (b) section 2 for all purposes other than website advertising (31st July 2005) and
- (c) sections 3, 9 and 10 in so far as those sections are not already in force (31st July 2005).

This Order does not apply to Scotland.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

This Order brings into force all the provisions of the Tobacco Advertising and Promotion Act 2002 (other than section 2 for the purposes of website advertising) which have not been brought into force previously. The following provisions of the Act have been brought into force by commencement orders made before the date of this Order.

| <i>Provision</i>                 | <i>Date of Commencement</i> | <i>S.I. Number</i>           |
|----------------------------------|-----------------------------|------------------------------|
| Section 1 (partially)            | 20th November 2002          | <a href="#">2002/2865(2)</a> |
| Section 1                        | 14th February 2003          | <a href="#">2002/2865</a>    |
| Section 2 (partially)            | 14th February 2003          | <a href="#">2002/2865</a>    |
| Section 2 (partially)            | 14th May 2003               | <a href="#">2002/2865</a>    |
| Section 3 (partially)            | 14th February 2003          | <a href="#">2002/2865</a>    |
| Section 4(1) and (2)             | 14th February 2003          | <a href="#">2002/2865</a>    |
| Section 4(3) and (4) (partially) | 20th November 2002          | <a href="#">2002/2865</a>    |
| Section 4(3) and (4)             | 26th February 2003          | <a href="#">2003/396</a>     |
| Sections 5 to 8                  | 14th February 2003          | <a href="#">2002/2865</a>    |
| Section 9 (partially)            | 14th February 2003          | <a href="#">2002/2865</a>    |
| Section 9 (partially)            | 14th May 2003               | <a href="#">2002/2865</a>    |
| Section 10 (partially)           | 14th February 2003          | <a href="#">2002/2865</a>    |
| Section 11(1) to (3) (partially) | 20th November 2002          | <a href="#">2002/2865</a>    |
| Section 11(1) to (3)             | 26th February 2003          | <a href="#">2003/396</a>     |

---

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

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

| <i>Provision</i>       | <i>Date of Commencement</i> | <i>S.I. Number</i>              |
|------------------------|-----------------------------|---------------------------------|
| Section 11(4)          | 14th February 2003          | <a href="#">2002/2865</a>       |
| Sections 12 to 18      | 14th February 2003          | <a href="#">2002/2865</a>       |
| Section 19 (partially) | 20th November 2002          | <a href="#">2002/2865</a>       |
| Section 19             | 11th February 2002          | <a href="#">2002/2865</a>       |
| Section 20 (partially) | 20th November 2002          | <a href="#">2002/2865</a>       |
| Section 20             | 26th February 2003          | <a href="#">2003/396</a>        |
| Section 21 (partially) | 20th November 2002          | <a href="#">2002/2865</a>       |
| Section 21             | 14th February 2003          | <a href="#">2002/2865</a>       |
| Section 22             | 7th November 2002           | Came into force on Royal Assent |

Commencement Orders numbered 2, 4 and 5 apply to Scotland.