
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide that no offence is committed under section 2 (prohibition of tobacco advertising) of the Tobacco Advertising and Promotion Act 2002 (“the Act”) in relation to certain tobacco advertisements which are published at places where tobacco products are sold. They extend to Scotland only.

Regulation 3 defines the meaning of “point of sale” for the purposes of these Regulations and “place” for the purposes of section 4(3)(a) of the Act.

Regulation 4 restricts the size, format and content of tobacco advertisements which may be published at a point of sale.

Regulation 5 restricts the size, format and content of tobacco advertisements which may be published on certain tobacco vending machines.

Regulation 6 imposes general restrictions on the tobacco advertisements which may be published under these Regulations and provides that where the publication of a tobacco advertisement is not an offence by virtue of these Regulations, no offence is committed by a person who—

- (a) causes the publication;
- (b) prints, devises or distributes the advertisement; or
- (c) causes it to be printed, devised or distributed.

A draft of these Regulations has been notified to the European Commission as a technical standard, pursuant to Directive [98/34/EC](#) of the European Parliament and of the Council (O.J. No. L 204, 21.7.98, p.37) laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services, as amended by the European Parliament and Council Directive [98/48/EC](#) (O.J. No. L 217, 5.8.1998, p.18).

A Regulatory Impact Assessment has been prepared for these Regulations and a copy has been placed in the Scottish Parliament Information Centre. Copies may be obtained from the Scottish Executive Health Department, Substance Misuse Division, St. Andrew’s House, Regent Road, Edinburgh EH1 3DG.