



# Tobacco Advertising and Promotion Act 2002

## 2002 CHAPTER 36

### 11 Brandsharing

- (1) The Secretary of State may by regulations make provision prohibiting or restricting, in such circumstances and subject to such exceptions as may be specified in the regulations, the use—
  - (a) in connection with any service or product (other than a tobacco product), of any name, emblem or other feature of a description specified in the regulations which is the same as, or similar to, a name, emblem or other feature so specified which is connected with a tobacco product, or
  - (b) in connection with any tobacco product, of any name, emblem or other feature of a description specified in the regulations which is the same as, or similar to, a name, emblem or other feature so specified which is connected with any service or product other than a tobacco product.
- (2) Provision made by virtue of subsection (1) may prohibit or restrict only that use whose purpose is to promote a tobacco product, or whose effect is to do so.
- (3) If regulations under this section provide for a prohibition or restriction to be subject to an exception, the regulations may also make such provision as the Secretary of State considers appropriate for a corresponding exception to have effect for the purposes of offences under section 2, 3, 8, 9 or 10.
- (4) A person who contravenes a prohibition or restriction contained in regulations made under this section is guilty of an offence.
- [<sup>F1</sup>(5) A service provider established in the United Kingdom is guilty of an offence if, in the course of providing information society services, the provider does anything in an EEA State other than the United Kingdom which, if done in the United Kingdom, would constitute an offence under subsection (4).
- (6) Nothing in subsection (4) makes it an offence for a service provider established outside the United Kingdom to do anything in the course of providing information society services.]

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*Status: Point in time view as at 12/01/2010. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Tobacco Advertising and Promotion Act 2002, Section 11. (See end of Document for details)*

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#### Textual Amendments

- F1** S. 11(5)(6) inserted (12.1.2010) by [Health Act 2009 \(c. 21\)](#), s. 40(7)(b), [Sch. 4 para. 6\(3\)](#)

#### Commencement Information

- I1** S. 11 not in force at Royal Assent see s. 22(1)(2); s. 11(1)-(3) in force for the purpose of making regulations at 20.11.2002 by [S.I. 2002/2865](#), [art. 2\(1\)\(c\)](#); [S.S.I. 2002/512](#), [art. 2\(1\)\(c\)](#); s. 11(4) in force at 14.2.2003 by [S.I. 2002/2865](#), [art. 2\(2\)\(h\)](#); [S.S.I. 2002/521](#), [art. 2\(2\)\(h\)](#)
- I2** S. 11(1)-(3) in force at 25.2.2003 for S. so far as not already in force by [S.S.I. 2003/113](#), [art. 2\(b\)](#)
- I3** S. 11(1)-(3) in force at 26.2.2003 for E.W.N.I. so far as not already in force by [S.I. 2003/396](#), [art. 2\(b\)](#)

**Status:**

Point in time view as at 12/01/2010. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Tobacco Advertising and Promotion Act 2002, Section 11.