Tobacco Advertising and Promotion Act 2002

2002 CHAPTER 36

[**F1****7D****Displays on a website**

(1) The Secretary of State may by regulations make provision imposing requirements in relation to the display in England and Wales or Northern Ireland in the course of a business of tobacco products or their prices on a website where tobacco products are offered for sale.

(2) A person who displays or causes to be displayed tobacco products or their prices in breach of a requirement contained in the regulations is guilty of an offence.

F2(3) . . . .

(4) Nothing in subsection (2) makes it an offence for a service provider established outside the United Kingdom to do anything in the course of providing information society services.

(5) The regulations may make provision for a relevant display of tobacco products or their prices which also amounts to an advertisement to be treated for the purposes of offences in England and Wales or Northern Ireland under this Act—

    (a)   as an advertisement and not as a display, or

    (b)   as a display and not as an advertisement.

(6) In subsection (5) a " relevant display " means a display on a website where tobacco products are offered for sale.]

Textual Amendments

F1   Ss. 7A-7D inserted (12.11.2009 for specified purposes, 6.4.2012 for E. for specified purposes, 31.10.2012 for N.I. for specified purposes) by Health Act 2009 (c. 21), **ss. 21**, 40(1), 40(6)(b); S.I. 2010/1068, art. 2(1A)(a) (as amended (9.5.2011) by S.I. 2011/1255, art. 2(a)(b)); S.R. 2012/389, art. 2(1)(a)

F2   S. 7D(3) omitted (31.12.2020) by virtue of The Tobacco Products and Nicotine Inhaling Products
(Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/41), regs. 1, **2(6)**; 2020 c. 1, Sch. 5 para. 1(1)