

*Status: This version of this provision is prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Tobacco Advertising and Promotion Act 2002 etc. (Amendment) Regulations 2006. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## STATUTORY INSTRUMENTS

# 2006 No. 2369

## Tobacco Advertising and Promotion Act 2002 etc. (Amendment) Regulations 2006

PROSPECTIVE

### Amendment of section 21 of the Act

8.—(1) Section 21 (interpretation) of the Act is amended as follows.

(2) Section 21 is renumbered as subsection (1) of that section.

(3) In that provision, in the appropriate place insert—

““the Directive” means Directive [2000/31/EC](#) of the European Parliament and of the Council of 8th June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce);

“EEA State” means a member State, Norway, Iceland or Liechtenstein;

“information society services”—

(a) has the meaning set out in Article 2(a) of the Directive (which refers to Article 1(2) of Directive [98/34/EC](#) of the European Parliament and of the Council of 22nd June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations, as amended by Directive [98/48/EC](#) of 20th July 1998); and

(b) is summarised in recital 17 of the Directive as covering ‘any service normally provided for remuneration, at a distance, by means of electronic equipment for the processing (including digital compression) and storage of data, and at the individual request of a recipient of a service’;

“service provider” means a person providing an information society service;”.

(4) After that provision insert—

“(2) For the purposes of this Act—

(a) an establishment, in connection with an information society service, is the place at which the service provider effectively pursues an economic activity for an indefinite period;

(b) the presence or use in a particular place of equipment or other technical means of providing an information society service does not, of itself, constitute that place as an establishment of the kind mentioned in paragraph (a);

(c) where it cannot be determined from which of a number of establishments a given information society service is provided, that service is to be regarded as provided from the establishment where the service provider has the centre of his activities relating to the service,

and references to a person being established in any place must be construed accordingly.”.

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### Commencement Information

**II** Reg. 8 in force at 28.9.2006, see [reg. 1\(1\)](#)

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**Changes and effects yet to be applied to :**

- reg. 8 coming into force by [S.I. 2006/2369](#) reg. 1(1)