
STATUTORY INSTRUMENTS

2016 No. 507

The Tobacco and Related Products Regulations 2016

PART 7

Electronic cigarette advertising

Amendment of Part 4A of the Communications Act 2003 (on-demand programme services)

46.—(1) Part 4A of the Communications Act 2003 ^{MI} (on-demand programme services) is amended as follows.

(2) In section 368F (advertising) after subsection (1)(a) insert—

“(aa) electronic cigarettes or electronic cigarette refill containers;”.

(3) In section 368G (sponsorship) after subsection (1) insert—

“(1A) An on-demand programme service or a programme included in an on-demand programme service must not be sponsored for the purpose of promoting electronic cigarettes or electronic cigarette refill containers.”.

(4) In section 368H (product placement)—

(a) at the end of subsection (4)(b) omit “or”;

(b) after subsection (4)(b) insert—

“(ba) it is of electronic cigarettes or electronic cigarette refill containers, or”;

(c) at the beginning of subsection (15) insert “ Subject to subsection (15A), ”;

(d) after subsection (15) insert—

“(15A) Subsection (4)(ba) applies only in relation to programmes the production of which begins after 19th May 2016.”.

(5) In section 368R (interpretation of Part 4A) in subsection (1) after the definition of “children's programme” insert—

““electronic cigarette” means a product that—

(a) can be used for the consumption of nicotine-containing vapour via a mouth piece, or any component of that product, including a cartridge, a tank and the device without cartridge or tank (regardless of whether the product is disposable or refillable by means of a refill container and a tank, or rechargeable with single use cartridges), and

(b) is not a medicinal product within the meaning of regulation 2 of the Human Medicines Regulations 2012 (S.I. 2012/1916) or a medical device within the meaning of regulation 2 of the Medical Devices Regulations 2002 (S.I. 2002/618);

“electronic cigarette refill container” means a receptacle that—

(a) contains a nicotine-containing liquid, which can be used to refill an electronic cigarette, and

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- (b) is not a medicinal product within the meaning of regulation 2 of the Human Medicines Regulations 2012 or a medical device within the meaning of regulation 2 of the Medical Devices Regulations 2002;”.

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Marginal Citations

M1 [Part 4A](#) was inserted by [S.I. 2009/2979](#). There have been subsequent amendments, but none is relevant.

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