



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,^{F1} 3A, 7A, 7C, 7D,^{F2} 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.
- ^{F2}^{F3}(5)
- (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.]

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)

Textual Amendments

- F1** Words in s. 11(3) inserted (6.4.2012 for E., 31.10.2012 for N.I., 3.12.2012 for W.) by [Health Act 2009](#) (c. 21), s. 40(1), [Sch. 4 para. 6\(2\)](#); [S.I. 2010/1068](#), [art. 2\(1A\)\(b\)\(i\)](#) (as amended (9.5.2011) by [S.I. 2011/1255](#), [art. 2\(a\)\(b\)](#)); [S.R. 2012/389](#), [art. 2\(1\)\(b\)\(i\)](#); [S.I. 2012/1288](#), [art. 2\(2\)\(b\)\(i\)](#)
- F2** [S. 11\(5\)](#) 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\(9\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F3** [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\(b\)](#)

Changes to legislation:

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