



# Tobacco Advertising and Promotion Act 2002

## 2002 CHAPTER 36

### 6 Specialist tobacconists

[<sup>F1</sup>(A1) The appropriate Minister may provide in regulations that no offence is committed under section 2 if the tobacco advertisement—

- (a) is in, or fixed to the outside of premises of, a specialist tobacconist in England and Wales or Northern Ireland,
- (b) is not for cigarettes or hand-rolling tobacco, and
- (c) complies with any requirements specified in the regulations.]

(1) A person does not commit an offence under section 2 if the tobacco advertisement—

- (a) was in, [<sup>F2</sup>or fixed to the outside of the premises of,] a specialist tobacconist, [<sup>F3</sup>in Scotland]
- (b) was not for cigarettes or hand-rolling tobacco, and
- (c) complied with any requirements specified by the appropriate Minister in regulations in relation to tobacco advertisements on the premises of specialist tobacconists.

(2) A specialist tobacconist is a shop selling tobacco products by retail (whether or not it also sells other things) more than half of whose sales on the premises in question derive from the sale of cigars, snuff, pipe tobacco and smoking accessories.

(3) The sales referred to in subsection (2) are to be measured by sale price—

- (a) during the most recent period of twelve months for which accounts are available, or
- (b) during the period for which the shop has been established, if it has not been established long enough for twelve months' accounts to be available.

(4) “Shop”, in subsections (2) and (3), includes a self-contained part of a shop; and, in that case, “premises” in subsections [<sup>F4</sup>(A1),] (1) and (2) means that self-contained part of the shop.

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**Changes to legislation:** There are currently no known outstanding effects for the Tobacco Advertising and Promotion Act 2002, Section 6. (See end of Document for details)

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### Textual Amendments

- F1** S. 6(A1) inserted (12.11.2009 for specified purposes, 6.4.2015 in so far as not already in force) by [Health Act 2009 \(c. 21\)](#), **ss. 20**, 40(1), 40(6)(b); [S.I. 2010/1068](#), [art. 2\(2\)\(a\)](#) (as amended (9.5.2011) by [S.I. 2011/1255](#), [art. 2\(c\)](#)); [S.R. 2012/389](#), [art. 2\(2\)\(a\)](#); [S.I. 2012/1288](#), [art. 3\(a\)](#)
- F2** Words in s. 6(1)(a) repealed (S.) (3.3.2010) by [Tobacco and Primary Medical Services \(Scotland\) Act 2010 \(asp 3\)](#), s. 43(2), **Sch. 2 para. 3**
- F3** Words in s. 6(1)(a) inserted (6.4.2015) by [Health Act 2009 \(c. 21\)](#), s. 40(1), **Sch. 4 para. 3(2)**; [S.I. 2010/1068](#), [art. 2\(2\)\(c\)\(ii\)](#) (as amended (9.5.2011) by [S.I. 2011/1255](#), [art. 2\(c\)](#)); [S.R. 2012/389](#), [art. 2\(2\)\(c\)\(ii\)](#); [S.I. 2012/1288](#), [art. 3\(c\)\(ii\)](#)
- F4** Word in s. 6(4) inserted (6.4.2015) by [Health Act 2009 \(c. 21\)](#), s. 40(1), **Sch. 4 para. 3(3)**; [S.I. 2010/1068](#), [art. 2\(2\)\(c\)\(ii\)](#) (as amended (9.5.2011) by [S.I. 2011/1255](#), [art. 2\(c\)](#)); [S.R. 2012/389](#), [art. 2\(2\)\(c\)\(ii\)](#); [S.I. 2012/1288](#), [art. 3\(c\)\(ii\)](#)

### Commencement Information

- I1** S. 6 wholly in force at 14.2.2003; s. 6 not in force at Royal Assent see s. 22(1)(2); s. 6 wholly in force at 14.2.2003 by [S.I. 2002/2865](#), **art. 2(2)(e)**; [S.S.I. 2002/512](#), **art. 2(2)(e)**

**Changes to legislation:**

There are currently no known outstanding effects for the Tobacco Advertising and Promotion Act 2002, Section 6.