



Tobacco Advertising and Promotion Act 2002

2002 CHAPTER 36

8 Displays^{F1}: Scotland]

- (1) A person who in the course of a business displays or causes to be displayed^{F2} in Scotland] tobacco products or their prices [^{F3} in a place or] on a website where tobacco products are offered for sale is guilty of an offence if the display does not comply with such requirements (if any) as may be specified by the appropriate Minister in regulations.

^{F4}(1A)

[^{F5}(2) Nothing in subsection (1) makes it an offence for a service provider established outside the United Kingdom to do anything in the course of providing information society services.]

- (3) [^{F6} The regulations may, in particular, provide for the meaning of “ place ” in subsection (1).]

- (4) The regulations must make provision for a display which also amounts to an advertisement to be treated for the purpose of offences under this Act—
- (a) as an advertisement and not as a display, or
 - (b) as a display and not as an advertisement.

Textual Amendments

- F1** Word in s. 8 heading inserted (6.4.2015) by [Health Act 2009 \(c. 21\), s. 40\(1\), Sch. 4 para. 4\(5\)](#); [S.I. 2010/1068, art. 2\(2\)\(c\)\(iii\)](#) (as amended (9.5.2011) by [S.I. 2011/1255, art. 2\(c\)](#)); [S.R. 2012/389, art. 2\(2\)\(c\)\(iii\)](#); [S.I. 2012/1288, art. 3\(c\)\(iii\)](#)
- F2** Words in s. 8(1) inserted (6.4.2015 for E.) by [Health Act 2009 \(c. 21\), s. 40\(1\), Sch. 4 para. 4\(2\)](#); [S.I. 2010/1068, art. 2\(2\)\(c\)\(iii\)](#) (as amended (9.5.2011) by [S.I. 2011/1255, art. 2\(c\)](#))
- F3** Words in s. 8(1) repealed (S.) (3.3.2010) by [Tobacco and Primary Medical Services \(Scotland\) Act 2010 \(asp 3\), s. 43\(2\), Sch. 2 para. 4\(a\)](#)

Changes to legislation: There are currently no known outstanding effects for the Tobacco Advertising and Promotion Act 2002, Section 8. (See end of Document for details)

- F4** S. 8(1A) 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(7)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** S. 8(2) substituted (12.1.2010) by Health Act 2009 (c. 21), s. 40(7)(b), **Sch. 4 para. 4(4)**
- F6** S. 8(3) repealed (S.) (3.3.2010) by Tobacco and Primary Medical Services (Scotland) Act 2010 (asp 3), s. 43(2), **Sch. 2 para. 4(b)**

Commencement Information

- I1** S. 8 wholly in force at 14.2.2003; s. 8 not in force at Royal Assent see s. 22(1)(2); s. 8 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 8.