

2011 No. 1255 (C. 49)

PUBLIC HEALTH, ENGLAND

CHILDREN AND YOUNG PERSONS, ENGLAND

**The Health Act 2009 (Commencement No.3) (Amendment)
Order 2011**

Made - - - -

9th May 2011

The Secretary of State makes the following Order, in exercise of the powers conferred by section 40(1) and (4) of the Health Act 2009(a):

Citation, application, extent and interpretation

1.—(1) This Order may be cited as the Health Act 2009 (Commencement No.3) (Amendment) Order 2011.

(2) (a) Except as provided in this paragraph, this Order applies to England.

(b) Article 2(b), insofar as it relates to the substituted articles 2(1)(b) and 2(1A)(c) of the Commencement No.3 Order, has the same extent as the enactments repealed under the specified provisions of Schedule 6 to the Act.

(3) In this Order, “the Commencement No.3 Order” means the Health Act 2009 (Commencement No.3) Order 2010(b).

Amendment of the Commencement No.3 Order 2010

2. The Commencement No.3 Order is amended as follows—

(a) in article 1 (citation, application, extent and interpretation), for paragraph (2)(b) substitute—

“(b) paragraphs (1)(b) and (1A)(c) of article 2 have the same extent as the enactments repealed under the specified provisions of Schedule 6 to the Act.”;

(b) in article 2 (appointed days), for paragraph (1) substitute—

“**2.**—(1) 1st October 2011 is the day appointed for the coming into force of the following provisions of the Act—

(a) section 22 (power to prohibit sales from vending machines) to the extent that it is not already in force;

(a) 2009 c.21.

(b) S.I. 2010/1068 (C.70).

- (b) Schedule 6 (repeals and revocations) in so far as it gives effect to the repeal relating to the Children and Young Persons Act 1933^(a) and section 38 in so far as it gives effect to that provision.

(1A) 6th April 2012 is the day appointed for the coming into force of the following provisions of the Act—

- (a) section 21 (prohibition of tobacco displays etc) to the extent that it is not already in force, in so far as it inserts sections 7A, 7B and 7C of the Tobacco Advertising and Promotion Act 2002^(b)(prohibition of tobacco displays, tobacco displays: exclusions and defence and displays: prices of tobacco products), for the purpose of large shops other than bulk tobacconists and specialist tobacconists;
 - (b) the following paragraphs of Schedule 4, and section 24 in so far as it relates to those paragraphs—
 - (i) paragraph 6(2) and paragraph 6(1) in so far as it relates to that sub-paragraph;
 - (ii) paragraphs 7(5) and 7(6);
 - (iii) paragraph 10;
 - (iv) paragraphs 11 and 12 to the extent that they are not already in force; and
 - (v) paragraph 2 in so far as it relates to the paragraphs listed in (i) to (iv);
 - (c) Schedule 6 (repeals and revocations) in so far as it gives effect to the repeal relating to section 14(12) of the Tobacco Advertising and Promotion Act 2002^(c), and section 38 in so far as it gives effect to that provision.”; and
- (c) in Article 2(2), for “1st October 2013” substitute “6th April 2015”.

Signed by authority of the Secretary of State for Health.

Anne Milton
Parliamentary Under-Secretary of State,
Department of Health

9th May 2011

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Health Act 2009 (Commencement No.3) Order 2010 (“the Commencement No.3 Order”).

The Commencement No.3 Order brings into force in England the provisions of sections 20, 21 and 22 of the Health Act 2009, which make amendments to earlier legislation in relation to tobacco, as well as associated provisions of Schedule 4 (minor and consequential amendments in relation to tobacco) and Schedule 6 (repeals and revocations).

Provisions relating to the prohibition of tobacco displays and to the related exclusions and defence were to be commenced, under the Commencement No.3 Order, to the extent that they were not already in force, on 1st October 2011 for the purpose of large shops other than bulk tobacconists (as defined) and specialist tobacconists (as defined in section 6 of the Tobacco Advertising and Promotion Act 2002), and on 1st October 2013 for all other purposes.

(a) 1933 c.12. Section 12D was inserted by the Criminal Justice and Immigration Act 2008 (c.4), section 143.

(b) 2002 c.36.

(c) Paragraph 8(3) of Schedule 4 to the Act, which includes the corresponding amendment to section 14(12) of the Tobacco Advertising and Promotion Act 2002, is commenced under section 40(2) of the Act by the Welsh Ministers.

Article 2 of this Order amends these dates to 6th April 2012 for the purpose of large shops other than bulk tobacconists and specialist tobacconists, and 6th April 2015 for all other purposes.

Provisions relating to the display of prices of tobacco products were to be commenced, under the Commencement No.3 Order, to the extent that they are not already in force, on 1st October 2011 for the purpose of large shops (as defined) and for all other purposes on 1st October 2013.

Article 2 of this Order amends the Commencement No.3 Order to provide that provisions relating to the display of prices of tobacco products will be commenced on 6th April 2012 for the purpose of large shops other than bulk tobacconists (as defined) and on 6th April 2015 for all other purposes.

Provisions relating to the exclusion of specialist tobacconists from the prohibition of advertising were to be commenced, under the Commencement No.3 Order, on 1st October 2013. Article 2 of this Order amends this date to 6th April 2015.

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STATUTORY INSTRUMENTS

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