

2010 No. 446

PUBLIC HEALTH, ENGLAND

**The Tobacco Advertising and Promotion (Specialist
Tobacconists) (England) Regulations 2010**

<i>Made</i> - - - -	<i>23rd February 2010</i>
<i>Laid before Parliament</i>	<i>2nd March 2010</i>
<i>Coming into force</i> - -	<i>1st October 2013</i>

The Secretary of State, in exercise of the powers conferred by sections 6(A1), 7B(3) and 19(2) of the Tobacco Advertising and Promotion Act 2002(a), makes the following Regulations:

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Tobacco Advertising and Promotion (Specialist Tobacconists) (England) Regulations 2010 and come into force on 1st October 2013.

(2) These Regulations apply to England.

(3) In these Regulations “the Act” means the Tobacco Advertising and Promotion Act 2002.

Advertising in specialist tobacconists

2.—(1) No offence is committed under section 2 of the Act (prohibition of tobacco advertising) if a tobacco advertisement—

(a) is in a specialist tobacconist(b);

(b) is not for cigarettes or hand-rolling tobacco; and

(c) complies with the requirements specified in the following paragraphs.

(2) A tobacco advertisement must not be visible from outside of the premises of the specialist tobacconist.

(3) Each advertisement must include an area (“the information area”) in which are displayed—

(a) a health warning as specified in paragraph (4); and

(b) the following health information—

““NHS Smoking Helpline 0800 169 0 169””.

(4) The health warning must state—

(a) in a case where not more than half of the area of an advertisement other than the information area (“the advertisement area”) is used to advertise tobacco products which are intended to be smoked—

(a) 2002 c.36. Sections 6(A1) and 7B(3) were inserted by the Health Act 2009 (c.21), sections 20 and 21. The Secretary of State is the “appropriate Minister” in relation to England under section 21(1) of the Tobacco Advertising and Promotion Act 2002 (“the Act”), which was substituted by section 24 of, and paragraphs 2 and 12 of Schedule 4 to, the Health Act 2009.

(b) See section 6(2) and (3) of the Act for the definition of a “specialist tobacconist”.

““Smoking kills”; or

“Smoking seriously harms you and others around you”; and

(b) in any other case—

““Tobacco products can seriously damage your health and are addictive””.

(5) The information area under paragraph (3) must be—

(a) in a case where the total area of the advertisement exceeds 75 square centimetres, at least 22.5 square centimetres; and

(b) in any other case, not less than 30% of the total area of the advertisement,

and, for the purposes of this paragraph, the total area of the advertisement means the advertisement area and the information area.

(6) The health warning and health information which are required to be displayed under paragraph (3) must be—

(a) indelible;

(b) legible;

(c) printed in black Helvetica bold type on a white background;

(d) in a font size consistent throughout the text which ensures that the text occupies the greatest possible proportion of the information area;

(e) in upper case and lower case type as used in the health information in paragraph (3) or, as the case may be, in the health warning in question in paragraph (4);

(f) centred in the area in which the text is required to be printed;

(g) displayed parallel to the floor;

(h) surrounded by a black border outside the information area, which shall be not less than 3 millimetres and not more than 4 millimetres in width, which does not interfere with the text of the warning or information; and

(i) irremovably printed on the advertisement or affixed to the advertisement by means of an irremovable sticker.

Display of tobacco products in specialist tobacconists

3. No offence is committed under section 7A(1) of the Act (prohibition of tobacco displays)(a) by a display of tobacco products if the display is—

(a) in a specialist tobacconist; and

(b) not visible from outside of the premises of the specialist tobacconist.

Revocation

4. The Tobacco Advertising and Promotion (Specialist Tobacconists) Regulations 2004(b) are revoked.

Signed by authority of the Secretary of State for Health

23rd February 2010

Gillian Merron
Minister of State,
Department of Health

(a) Section 7A was inserted by the Health Act 2009 (c.21), section 21.

(b) S.I. 2004/1277. There are no amendments to these Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for exemptions in relation to specialist tobacconists from the prohibition of tobacco advertisements imposed by section 2 of the Tobacco Advertising and Promotion Act 2002 (“the Act”) and the prohibition of tobacco displays imposed by section 7A of the Act. Specialist tobacconists are shops that sell tobacco products by retail more than half of whose sales derive from the sale of cigars, snuff, pipe tobacco and smoking accessories.

Regulation 2 allows the publication of advertisements for tobacco products, other than cigarettes or hand-rolling tobacco, in specialist tobacconists provided that the advertisement is not visible from outside of the premises, and contains the required health warning and health information, in the required form.

Regulation 3 allows the display of tobacco products, including cigarettes and hand-rolling tobacco, in specialist tobacconists if the tobacco products are not visible from outside of the premises.

The Tobacco Advertising and Promotion (Specialist Tobacconists) Regulations 2004 are revoked by regulation 4.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from the Tobacco Programme, Department of Health, Room 712, Wellington House, 133-155 Waterloo Road, London SE1 8UG and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website (www.opsi.gov.uk).

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STATUTORY INSTRUMENTS

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