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OFFERYNNAU STATUDOL  
CYMRU

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WELSH STATUTORY  
INSTRUMENTS

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**2012 Rhif 1287 (Cy.164)**

**2012 No. 1287 (W.164)**

**IECHYD Y CYHOEDD,  
CYMRU**

**PUBLIC HEALTH,  
WALES**

Rheoliadau Hysbysebu a  
Hyrwyddo Tybaco (Gwerthwyr  
Tybaco Arbenigol) (Cymru)  
2012

The Tobacco Advertising and  
Promotion (Specialist  
Tobacconists) (Wales) Regulations  
2012

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

*(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)*

*(This note is not part of the Regulations)*

Mae'r Rheoliadau hyn yn gwneud darpariaeth ar gyfer esemptiadau mewn perthynas â gwerthwyr tybaco arbenigol rhag y gwaharddiad ar hysbysebion tybaco a osodwyd gan adran 2 o Ddeddf Hysbysebu a Hyrwyddo Tybaco 2002 ("y Ddeddf") a'r gwaharddiad ar arddangosiadau tybaco a osodwyd gan adran 7A o'r Ddeddf. Siopau yw gwerthwyr tybaco arbenigol sy'n gwerthu cynhyrchion tybaco drwy fanwerthu ac y mae dros hanner o'u gwerthiannau yn deillio o werthiant sigârs, snisin, tybaco pib ac ategolion ysmegu.

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.

Mae rheoliad 2 yn caniatáu ar gyfer cyhoeddi hysbysebion ar gyfer cynhyrchion tybaco, nad ydynt yn sigarêts neu dybaco rholio â llaw, mewn mangreoedd gwerthwyr tybaco arbenigol ar yr amod nad yw'r hysbyseb yn weladwy o'r tu allan i'r fangre a'i bod yn cynnwys y rhybudd iechyd a'r wybodaeth iechyd ddwyieithog sy'n ofynnol ar y ffurf ofynnol. Mae'r gofyniad am rybudd iechyd a gwybodaeth iechyd ddwyieithog yn gymwys i'r hysbyseb ac nid i'r cynhyrchion tybaco eu hunain.

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 bilingual health warning and health information, in the required form. The requirement for a bilingual health warning and health information applies to the advertisement and not to the tobacco products themselves.

Mae rheoliad 3 yn caniatáu ar gyfer arddangos cynhyrchion tybaco, gan gynnwys sigarêts a thybaco rholio â llaw, mewn mangreoedd gwerthwyr tybaco arbenigol os nad yw'r cynhyrchion tybaco yn weladwy o'r tu allan i'r mangreoedd.

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.

Mae Rheoliadau Hysbysebu a Hyrwyddo Tybaco (Gwerthwyr Tybaco Arbenigol) 2004 wedi eu dirymu o ran Cymru gan reoliad 4.

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

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar wneud Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, paratowyd asesiad effaith rheoleiddiol o'r costau a'r buddiannau tebygol o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth y Gangen Cwrs Bywyd, yr Is-adran Gwella Iechyd, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Life Course Branch, Health Improvement Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

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2012**

**The Tobacco Advertising and  
Promotion (Specialist  
Tobacconists) (Wales) Regulations  
2012**

*Gwnaed* 14 Mai 2012  
*Gosodwyd gerbron Cynulliad  
Cenedlaethol Cymru* 16 Mai 2012  
*Yn dod i rym* 6 Ebrill 2015

*Made* 14 May 2012  
*Laid before the National  
Assembly for Wales* 16 May 2012  
*Coming into force* 6 April 2015

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd iddynt gan adrannau 6(A1), 7B(3) a 19(2) o Ddeddf Hysbysebu a Hyrwyddo Tybaco 2002(1), a chan adran 26(3) o Ddeddf yr Iaith Gymraeg 1993(2) yn gwneud y Rheoliadau a ganlyn.

The Welsh Ministers in exercise of the powers conferred by sections 6(A1), 7B(3) and 19(2) of the Tobacco Advertising and Promotion Act 2002(1), and section 26(3) of the Welsh Language Act 1993(2) make the following Regulations.

**Enwi, cychwyn, dehongli a chymhwyso**

**Title, commencement, interpretation and application**

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Hysbysebu a Hyrwyddo Tybaco (Gwerthwyr Tybaco Arbenigol) (Cymru) 2012 a deuant i rym ar 6 Ebrill 2015.

1.—(1) The title of these Regulations is the Tobacco Advertising and Promotion (Specialist Tobacconists) (Wales) Regulations 2012 and they come into force on 6 April 2015.

(2) Yn y Rheoliadau hyn ystyr "y Ddeddf" ("the Act") yw Ddeddf Hysbysebu a Hyrwyddo Tybaco 2002.

(2) In these Regulations "the Act" ("y Ddeddf") means the Tobacco Advertising and Promotion Act 2002.

(3) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(3) These Regulations apply in relation to Wales.

**Hysbysebu mewn mangreoedd gwerthwyr tybaco arbenigol**

**Advertising in specialist tobacconists**

2.—(1) Ni chyflawnir unrhyw drosedd o dan adran 2 o'r Ddeddf (gwaharddiad ar hysbysebu tybaco) os yw'r hysbyseb dybaco—

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

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(1) 2002 p.36. Mewnosodwyd adran 6(A1) ac adran 7B(3) gan Ddeddf Iechyd 2009 (p.21), adrannau 20 a 21. Gweinidogion Cymru yw'r "appropriate Minister" o ran Cymru o dan adran 21(1) o Ddeddf Hysbysebu a Hyrwyddo Tybaco 2002 ("y Ddeddf"), a amnewidiwyd gan adran 24 o Ddeddf Iechyd 2009, a pharagraffau 2 a 12 o Atodlen 4 iddi.

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(1) 2002 c.36. Section 6(A1) and section 7B(3) were inserted by the Health Act 2009 (c.21), sections 20 and 21. The Welsh Ministers are the "appropriate Minister" in relation to Wales under section 21(1) of the Tobacco Advertising and Promotion Act 2002 ("the Act"), which were substituted by section 24 of, and paragraphs 2 and 12 of Schedule 4 to, the Health Act 2009.

(2) 1993 p.38.

(2) 1993 c.38.

- (a) mewn mangre gwerthwr tybaco arbenigol(1);
- (b) yn un nad yw ar gyfer sigarêts neu dybaco rholio â llaw; ac
- (c) yn cydymffurfio â'r gofynion a bennir yn y paragraffau a ganlyn.

(2) Ni chaniateir i hysbyseb dybaco fod yn weladwy o'r tu allan i fangre'r gwerthwr tybaco arbenigol.

(3) Rhaid i bob hysbyseb gynnwys adran ("yr adran wybodaeth") ("*the information area*") lle yr arddangosir ynddi—

- (a) rhybudd iechyd fel a bennir ym mharagraff (4);  
a

- (b) yr wybodaeth iechyd a ganlyn—

"Llinell Gymorth i Ysmygwyr yng Nghymru

0800 169 0 169

Smokers' Helpline Wales".

- (4) Rhaid i'r rhybudd iechyd ddatgan—

- (a) mewn achos lle mae hanner neu ragor o arwynebedd hysbyseb ac eithrio'r adran wybodaeth ("yr adran hysbysebu") ("*the advertisement area*") yn cael ei ddefnyddio ar gyfer hysbysebu cynhyrchion tybaco y bwriedir iddynt gael eu hysmygu—

""Mae ysmygu yn lladd / Smoking kills" neu

"Mae ysmygu yn achosi niwed difrifol i chi ac eraill o'ch cwmpas / Smoking seriously harms you and others around you""; a

- (b) ym mhob achos arall—

"Gall cynhyrchion tybaco achosi niwed difrifol i'ch iechyd a gallwch fynd yn gaeth iddynt / Tobacco products can seriously damage your health and are addictive".

- (5) Rhaid i'r adran wybodaeth o dan baragraff (3)—

- (a) mewn achos lle y mae cyfanswm arwynebedd yr hysbyseb yn fwy na 75 o gentimetrau sgwâr, fod o leiaf 22.5 o gentimetrau sgwâr; a
- (b) mewn unrhyw achos arall, beidio â bod yn llai na 30% o gyfanswm arwynebedd yr hysbyseb,

ac, at ddibenion y paragraff hwn, ystyr cyfanswm arwynebedd yr hysbyseb yw'r adran hysbysebu a'r adran wybodaeth.

(6) Rhaid i'r rhybudd iechyd a'r wybodaeth iechyd y mae'n ofynnol iddynt gael eu harddangos o dan baragraff (3)—

- (a) is in a specialist tobacconist(1);

- (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") ("*yr adran wybodaeth*") in which are displayed—

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

- (b) the following health information—

"Llinell Gymorth i Ysmygwyr yng Nghymru

0800 169 0 169

Smokers' Helpline Wales".

- (4) The health warning must state—

- (a) in a case where half or more of the area of an advertisement other than the information area ("*the advertisement area*") ("*yr adran hysbysebu*") is used to advertise tobacco products which are intended to be smoked—

""Mae ysmygu yn lladd / Smoking kills" or

"Mae ysmygu yn achosi niwed difrifol i chi ac eraill o'ch cwmpas / Smoking seriously harms you and others around you""; and

- (b) in any other case—

"Gall cynhyrchion tybaco achosi niwed difrifol i'ch iechyd a gallwch fynd yn gaeth iddynt / 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—

(1) *Gweler* adran 6(2) a (3) o'r Ddeddf i gael diffiniad o "specialist tobacconist".

(1) *See* section 6(2) and (3) of the Act for the definition of "specialist tobacconist".

- (a) bod yn annileadwy;
- (b) bod yn ddarllenadwy;
- (c) bod wedi eu printio mewn teip Helvetica du trwm ar gefndir gwyn;
- (d) bod mewn maint ffont sy'n gyson drwy'r testun sy'n sicrhau bod y testun yn llenwi'r gyfran fwyaf posibl o'r adran wybodaeth;
- (e) bod mewn teip â phriflythrennau a llythrennau bach fel y'u defnyddiwyd yn yr wybodaeth iechyd ym mharagraff (3) neu, yn ôl y digwydd, yn y rhybudd iechyd o dan sylw ym mharagraff (4);
- (f) bod wedi eu canoli yn yr adran lle y mae'n ofynnol i'r testun gael ei brintio ynddi;
- (g) cael eu harddangos yn gyfochrog â'r llawr;
- (h) bod wedi eu hamgylchynu ag ymyl ddu y tu allan i'r adran wybodaeth y mae'n rhaid iddi beidio â bod yn llai na 3 milimetr a dim mwy na 4 milimetr ei lled, a honno'n ymyl nad yw'n ymyrryd â thestun y rhybudd na'r wybodaeth; ac
- (i) bod wedi eu printio ar yr hysbyseb yn y fath fodd fel na ellir eu tynnu oddi arni neu wedi eu gosod ar yr hysbyseb drwy gyfrwng sticer na ellir ei dynnu oddi yno.

- (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 must 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.

#### **Arddangos cynhyrchion tybaco mewn mangroedd gwerthwyr tybaco arbenigol**

3. Ni chyflawnir unrhyw drosedd o dan adran 7A(1) o'r Ddeddf (gwaharddiad ar arddangosiadau tybaco)(1) drwy arddangos cynhyrchion tybaco os yw'r arddangosiad—

- (a) mewn mangre gwerthwyr tybaco arbenigol; a
- (b) yn un nad yw'n weladwy o'r tu allan i fangre'r gwerthwyr tybaco arbenigol.

#### **Dirymu**

4. Mae Rheoliadau Hysbysebu a Hyrwyddo Tybaco (Gwerthwyr Tybaco Arbenigol) 2004(2) wedi eu dirymu o ran Cymru.

#### **Display of tobacco products in specialist tobacconists**

3. No offence is committed under section 7A(1) of the Act (prohibition of tobacco displays)(1) 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.

#### **Revocations**

4. The Tobacco Advertising and Promotion (Specialist Tobacconists) Regulations 2004(2) are revoked in relation to Wales.

*Lesley Griffiths*

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol,  
un o Weinidogion Cymru

14 Mai 2012

Minister for Health and Social Services, one of the  
Welsh Ministers

14 May 2012

(1) Mewnosodwyd adran 7A o'r Ddeddf gan Ddeddf Iechyd 2009 (p.21), adran 21.

(2) O.S. 2004/1277.

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

(2) S.I. 2004/1277.

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