WELSH STATUTORY INSTRUMENTS

2012 No. 1287 (W.164)

PUBLIC HEALTH, WALES

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

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

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.

Title, commencement, interpretation and application

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

(3) These Regulations apply in relation to Wales.

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(**3**);

(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.

(**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 c. 38.

(**3**) *See* section 6(2) and (3) of the Act for the definition of "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—

(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.