STATUTORY RULES OF NORTHERN IRELAND

2012 No. 244

PUBLIC HEALTH

The Tobacco Advertising and Promotion (Specialist Tobacconists) Regulations (Northern Ireland) 2012

Made - - - -	*20th June 2012*
Coming into operation	*6th April 2015*

The Department of Health, Social Services and Public Safety(**1**), makes the following Regulations in exercise of the powers conferred by sections 6(A1), 7B(3) and 19(2) of the Tobacco Advertising and Promotion Act 2002(**2**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Tobacco Advertising and Promotion (Specialist Tobacconists) Regulations (Northern Ireland) 2012 and shall come into operation on 6th April 2015.

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

(3) The Interpretation Act (Northern Ireland) 1954(**3**) shall apply to these Regulations as it applies to an Act of the Assembly.

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(**4**);

(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—

(**1**) See the definition of "appropriate Minister" in section 21(1) of the Tobacco Advertising and Promotion Act 2002 (c.36) as substituted by section 24 of, and paragraphs 2 and 12 of Schedule 4 to, the Health Act 2009 (c.21)

(**2**) 2002 c. 36. Sections 6(A1) and section 7B(3) were inserted into the Tobacco Advertising and Promotion Act 2002 (c.36) by the Health Act 2009 (c.21), sections 20 and 21

(**3**) 1954 c.33 (N.I.)

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

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

(b) the following information–

""The Smoker's Helpline 0808 812 8008"".

(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") is used to advertise tobacco products which are intended to be smoked–

""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 specialists tobacconists

3. No offence is committed under section 7A(1)(**5**) of the Act (prohibition of tobacco displays) 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.

(**5**) Section 7A was inserted into the Tobacco Advertising and Promotion Act 2002 (c.36) by the Health Act 2009 (c.21), section 21