

S.I. No. 215/2000 — Tobacco Products (Control of Advertising, Sponsorship and Sales Promotion) (Amendment) (No.2) Regulations, 2000.



STATUTORY INSTRUMENTS.

S.I. No. 215 of 2000.

TOBACCO PRODUCTS (CONTROL OF ADVERTISING, SPONSORSHIP AND SALES
PROMOTION) (AMENDMENT) (NO.2) REGULATIONS, 2000.

S.I. No. 215 of 2000

TOBACCO PRODUCTS (CONTROL OF ADVERTISING, SPONSORSHIP AND SALES
PROMOTION) (AMENDMENT) (NO.2) REGULATIONS, 2000.

The Minister for Health and Children in exercise of the powers conferred on him by Section 2 of the Tobacco Products (Control of Advertising, Sponsorship and Sales Promotion) Act, 1978 (No. 27 of 1978) as adapted by the Health (Alteration of Name of Department and Title of Minister) Order, 1997 (S.I. No. 308 of 1997), hereby makes the following Regulations:-

1. These Regulations may be cited as the Tobacco Products (Control of Advertising, Sponsorship and Sales Promotion) (Amendment No. 2) Regulations, 2000.

2. The Tobacco Products (Control of Advertising, Sponsorship and Sales Promotion) Regulations, 1991, (No. 326 of 1991) are hereby amended as follows:

(a) by the insertion of the following definitions in Article 4 thereof:

“newspaper, periodical or magazine” includes any part of a newspaper, periodical or magazine and any supplement or insert or wrapper published with or in conjunction with any of them.

“foreign newspaper, periodical or magazine” means any newspaper, periodical or magazine published outside the State other than one which, in whole or in part, is so published primarily for distribution in the State.

“press distributor” means a person or company engaged in the business of distribution of newspapers, magazines or periodicals to retailers in the State.

(b) by the substitution of the following Article for Article 9 thereof:

“9 (1) Subject to paragraphs (2), (3), (4), (5) and (6) of this Article a person shall not:

(i) publish or cause to be published in the State any newspapers, periodicals or magazines, containing any advertisement for tobacco products.

(ii) distribute in the State, whether by wholesale, by retail, or gratuitously, newspapers, periodicals or magazines which contain advertisements for tobacco products.

2 (2) (a) Notwithstanding the provisions of paragraph (1) (ii) of this Article, a press distributor may apply to the Minister for a written exemption from the said provisions in respect of any foreign newspaper, periodical or magazine.

(b) The Minister may grant to a distributor a written exemption under paragraph (a) where he is satisfied that:

- (i) the publication in respect of which the application is made has a circulation in the State not exceeding 3,000 in the case of a daily or weekly newspaper, or 1,000 in the case of a periodical or magazine.
 - (ii) it would not be practical to excise from or not to include the tobacco advertisement in copies of the publication distributed in Ireland.
 - (iii) no part of the newspaper, periodical or magazine is printed specially or mainly for the purpose of its distribution in Ireland,
 - (iv) the publication of the newspaper, periodical or magazine is lawful in the place where it is printed or published.
 - (v) having regard to economic conditions in the country where the newspaper, periodical or magazine is published, it would be impractical for the publisher to prepare an Irish edition or to omit the advertisement from all or some of its output.
 - (vi) an edition of the newspaper, magazine or periodical which does not contain such advertisements is not available,
 - (vii) the newspaper, periodical or magazine was not published with the principal intention of promoting the sale of tobacco products, and
 - (viii) the newspaper, periodical or magazine is not published mainly for sale or distribution to persons under 18 years of age.
- (c) A written exemption shall have effect for such period (not exceeding the year) as may be specified therein, and may be revoked by the Minister at any time if he is satisfied that it would no longer be appropriate to grant it.

(3) This Article shall not prohibit the distribution within the State of a foreign newspaper, periodical or magazine in respect of which a written exemption has been granted by the Minister and not revoked.

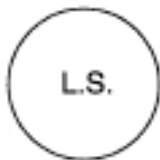
(4) This Article shall not prohibit the distribution of a foreign newspaper, periodical or magazine insofar as it is delivered within the State on foot of a bona fide prepaid subscription agreement concluded between the person to whom it is delivered and the publisher provided that it is not subsequently distributed within the State for commercial gain.

(5) This Article shall not prohibit the distribution of a magazine or periodical directed to persons participating in the tobacco trade and which is not otherwise sold or distributed to the public.

(6) In the case of a newspaper, periodical or magazine which is distributed but not published in the State, where the publisher has entered into a contract on or before the 14th of July, 2000 to publish advertisements for tobacco products therein, the newspaper, periodical or magazine may, notwithstanding the provisions of this Article, continue to be sold or offered for sale in the State until the 14th of September, 2000.”

3. Paragraph 3, sub-article 8(2)(a) of the Tobacco Products (Control of Advertising, Sponsorship and Sales Promotion) Regulations, 1991 and references to the said sub-article in the Regulations and the Schedules attached thereto are hereby revoked.

GIVEN under the Official Seal of the Minister for Health and Children this 11th day of July, 2000.



MICHEÁL MARTIN,
Minister for Health and Children.

EXPLANATORY NOTE.

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

The effect of these Regulations is to prohibit or restrict publication or distribution in the State of newspapers, periodicals or magazines where such newspapers, periodicals or magazines contain any advertisements for tobacco products.

© Government of Ireland. Oireachtas Copyright Material is reproduced with the permission of the House of the Oireachtas