

STATES OF JERSEY



DRAFT RESTRICTION ON SMOKING (WARNING NOTICES) (AMENDMENT FOR UK EXIT FROM EU) (JERSEY) REGULATIONS 201-

**Lodged au Greffe on 11th February 2019
by the Minister for Health and Social Services**

STATES GREFFE



Jersey

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REPORT

The Draft Restriction on Smoking (Warning Notices) (Amendment for UK Exit From EU) (Jersey) Regulations 201- amend the [Restriction on Smoking \(Warning Notices\) \(Jersey\) Regulations 2011](#) to ensure effective operation of those Regulations on the United Kingdom's exit from the European Union (EU) on 29th March in the event of there being no ratified withdrawal agreement. The amendments ensure removal of the use of the EU image library for the picture warning requirement of the combined warning notices on tobacco, and instead direct manufacturers of tobacco products to a new set of images provided by the United Kingdom Department of Health, with the permission of the Australian Department of Health. There is an intention that the Minister for Health and Social Services would first take account of information, both from the tobacco industry and the relevant government departments, before setting a commencement date by Ministerial Order, for prohibiting the importation of non-compliant packaging.

Financial and manpower implications

There are no financial or manpower implications for the States arising directly from the adoption of these draft Regulations.

Re-issue Note

This Projet is re-issued because an early version of the above report was included in error in the originally published Projet. This has now been replaced with the final version of the report.

Explanatory Note

These Regulations would amend the Restriction on Smoking (Warning Notices) (Jersey) Regulations 2011 to substitute new warning pictures that must be displayed after the United Kingdom's exit from the European Union.

Regulation 1 defines the "2011 Regulations" as the Restriction on Smoking (Warning Notices) (Jersey) Regulations 2011.

Regulation 2 amends the interpretation provisions of the 2011 Regulations consequentially on the other amendments.

Regulation 3 amends Regulations 2(1)(b) and 2(2) of the 2011 Regulations to substitute references to the new Schedule 1 that is substituted by *Regulation 5*.

Regulation 4 deletes Regulation 7 of the 2011 Regulations, so that imports from EEA states must comply with the 2011 Regulations as amended.

Regulation 5 substitutes, for Schedule 1 of the 2011 Regulations (which sets out picture warning notices) a new Schedule 1 containing new combined text warnings and picture warning notices.

Regulation 6 gives the title by which these Regulations may be cited and provides for them to come into force on a date and time, or dates and times, to be appointed by the Minister for Health and Social Services by Order.



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Arrangement

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Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in pursuance of Articles 1, 1G and 2 of the Restriction on Smoking (Jersey) Law 1973¹ and Article 5A of the European Union Legislation (Implementation) (Jersey) Law 2014², have made the following Regulations –

1 Interpretation

In these Regulations “2011 Regulations” means the Restriction on Smoking (Warning Notices) (Jersey) Regulations 2011³.

2 Regulation 1 (interpretation) amended

In Article 1 of the 2011 Regulations –

- (a) the definition “EEA state” is deleted;
- (b) in the definition “picture warning notice”, for “under each heading in paragraphs 1 and 2 of Schedule 1” there is substituted “set out under each text warning in paragraph 1 of Schedule 1, or (if Regulation 2(2) applies) set out in paragraph 2 of that Schedule”.

3 Regulation 2 (requirements for warning notices) amended

- (1) In Regulation 2(1)(b) of the 2011 Regulations, for “a picture warning notice from the list of picture warning notices in paragraph 1 of Schedule 1 or, where it applies, paragraph 2 of Schedule 1,” there is substituted “a text warning from one of the sub-paragraphs of paragraph 1 of Schedule 1, with the corresponding picture warning notice from that sub-paragraph (or from paragraph 2 of that Schedule, if paragraph (2) of this Regulation applies),”.
- (2) In Regulation 2(2) of the 2011 Regulations, for “paragraph 1(14) of that Schedule” there is substituted “paragraph 1(10) of that Schedule”.

4 Regulation 7 (imports from EEA states) deleted

Regulation 7 of the 2011 Regulations is deleted.

5 Schedule 1 (picture warning notices) substituted

For Schedule 1 to the 2011 Regulations there is substituted the Schedule set out in the Schedule to these Regulations.

6 Citation and commencement

These Regulations may be cited as the Restriction on Smoking (Warning Notices) (Amendment for UK Exit from EU) (Jersey) Regulations 201-, and come into force on such day or days, and time or times, as the Minister for Health and Social Services may by Order appoint.

SCHEDULE

(Regulation 5)

SUBSTITUTED SCHEDULE 1

“SCHEDULE 1

(Regulation 2)

TEXT AND PICTURE WARNING NOTICES

1 Text warnings with corresponding picture warning notices

- (1) Smoking clogs your arteries



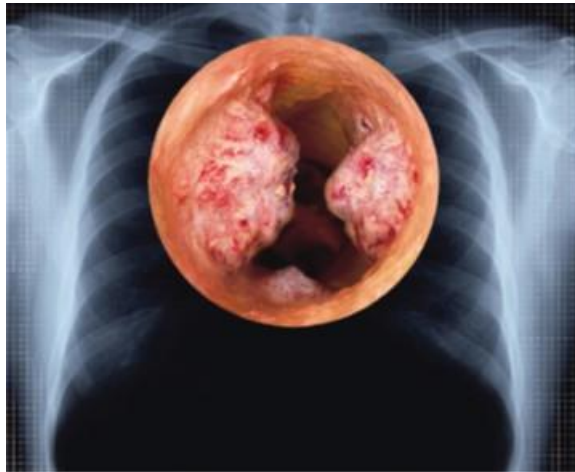
- (2) Don't let children breathe your smoke



- (3) Smoking causes blindness



- (4) Smoking causes lung cancer



- (5) Smoking doubles your risk of stroke



(6) Tobacco smoke is toxic



(7) Smoking harms unborn babies



- (8) Smoking causes peripheral vascular disease



- (9) Smoking causes emphysema



(10) Quitting will improve your health



(11) Smoking damages your gums and teeth



(12) Smoking damages your gums and teeth



- (13) Smoking causes throat cancer



- 2 Alternative picture warning notice for travel retail sector, to accompany text warning from paragraph 1(10)



- 3 Technical specifications

- (1) Each picture warning notice shall be surrounded by a black border outside the area specified in Regulation 3 which shall –
 - (a) be not less than 3 mm and more than 4 mm in width; and
 - (b) not interfere with the picture warning notice.
- (2) In the case of packets of cigarettes, each picture warning notice shall be irremovably printed on the packet.
- (3) In the case of packets of tobacco other than packets of cigarettes, each picture warning notice may be either irremovably printed on the packet or affixed to the packet by means of an irremovable sticker.
- (4) Subject to sub-paragraph (5), each picture warning notice shall –
 - (a) be in the format and proportions of the pictures and text set out in paragraph 1 or 2, as the case requires, and adopt the graphical integrity of those pictures and text;
 - (b) occupy the entire area reserved for the picture warning notice;

- (c) be positioned parallel to the top edge of the packet, and in the same direction as the other information on the packet; and
 - (d) be printed in four-colour/-CMYK-/screen 133 lines per inch, as a minimum requirement.
- (5) Where the size of the packet so requires, the picture warning notice can be modified according to the following rules –
- (a) the graphical editing of the textual elements shall be done by varying the font size and line breaks to ensure high readability;
 - (b) for picture warning notices where the illustration is a text, the graphical editing shall be done by varying font size and line breaks, however the relative surfaces occupied by text as an illustration and the corresponding text of the picture warning notice shall be respected;
 - (c) for picture warning notices where a photograph or other illustration is an image, the graphical editing shall be done by proportionate scaling of the photograph or other illustration and varying of the relative surfaces occupied by the photograph or other illustration and the corresponding text of the picture warning notice;
 - (d) when the proportion between the height and the width of the picture warning notice is lower than 0.8, the corresponding text of the picture warning notice, if placed under the photograph or other illustration in paragraph 1 or 2, may be moved to the right of the photograph or other illustration; and
 - (e) when the proportion between the height and the width of the picture warning notice exceeds 1.2, the corresponding text of the picture warning notice, if placed to the side of the photograph or other illustration in paragraph 1 or 2, may be moved under the photograph or illustration.
- (6) A picture warning notice shall not –
- (a) be printed on the tax stamps on any packet of tobacco;
 - (b) be hidden, obscured or interrupted by –
 - (i) other written or pictorial matter, or
 - (ii) the opening of the packet.”.

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- ¹ *chapter 20.825*
² *chapter 17.245*
³ *chapter 20.825.93*