

Subsidiary Legislation made under s.11C.

Tobacco Control Regulations 2020

LN.2020/215

Commencement (LN.2020/242)

All except ss.8-11

30.6.2020

Commencement (LN.2023/164) ss.8-11

29.6.2023

Amending enactments	Relevant current provisions	Commencement date
LN.2026/119	rr. 3, 8, 8A-8B, 9(1)-(2), 11A, 12A, 13(1), 14	15.7.2026

ARRANGEMENT OF REGULATIONS.

Regulation

PART 1

INTRODUCTORY

1. Title.
2. Commencement.
3. Interpretation.

PART 2

FOCAL POINT FOR TOBACCO CONTROL

4. Establishment of focal point for tobacco control.
5. Functions.
6. Impartiality of focal point.
7. Duty to co-operate.

PART 3

PACKAGING AND LABELLING

8. General health warning and information messages on tobacco products and smokeless tobacco products.
- 8A. Combined health warning on tobacco products and smokeless tobacco products.
- 8B. Administrative notice.
9. Prohibition on obscuring health warning.
10. False information on package.
11. Language of labelling information.
- 11A. Package presentation.
12. Prohibition on sale of cigarettes.
- 12A. Transitional provision relating to packaging and labelling.
13. Offences and penalties under Part 3.
14. Enforcement.

In exercise of the powers conferred on him by section 11C of the European Union (Withdrawal) Act 2019, the Chief Minister has made these Regulations-

PART 1

INTRODUCTORY

Title.

1. These Regulations may be cited as the Tobacco Control Regulations 2020.

Commencement.

2. These Regulations come into operation on the day appointed by the Chief Minister by notice in the Gazette, and different days may be appointed for different provisions and for different purposes.

Interpretation.

3. In these Regulations, unless the context otherwise requires—

“cigarette” means a tobacco product that can be consumed by means of a combustion process and which is-

- (a) a roll of tobacco (or of tobacco and another substance) capable of being smoked as it is, but which is not a cigar or a cigarillo; or
- (b) a roll of tobacco (or of tobacco and another substance) which is designed to be, by simple non-industrial handling-
 - (i) wrapped in cigarette paper, or
 - (ii) inserted into a cigarette-paper tube;

“hand-rolling tobacco” means a tobacco product-

- (a) in relation to which more than 25% by weight of the tobacco particles have a cut width of less than 1.5 millimetres;
- (b) which is sold or intended to be sold for making into cigarettes by hand, including making into cigarettes by hand with the aid of a mechanical device; or

- (c) which is of a kind used for making into cigarettes by hand, including making into cigarettes by hand with the aid of a mechanical device;
- “Implementation Date” has the meaning given in section 3(1) of the Treaty on Gibraltar and the European Union Act 2026;
- “package” means any covering, wrapper, box, container, carton or other enclosure that contains a tobacco product and includes a box, carton, cylinder, packet, pouch or tin;
- “smokeless tobacco product” means an tobacco product that consists of cut, ground, powdered or leaf tobacco that is intended for nasal use;
- “tobacco” or “tobacco products” means products entirely or partly made of the leaf tobacco as raw material which are manufactured to be used for smoking;
- “tobacco industry” means tobacco manufacturers, wholesale distributors and importers of tobacco products;
- “Treaty on Gibraltar and the European Union” has the meaning given in section 5 of the Treaty on Gibraltar and the European Union Act 2026.

PART 2

FOCAL POINT FOR TOBACCO CONTROL

Establishment of focal point for tobacco control.

4.(1) A focal point for tobacco control is established, consisting of-

- (a) the Minister with responsibility for Health;
- (b) the Minister for Public Health;
- (c) the Collector of Customs; and
- (d) such other persons as the Chief Minister may appoint.

(2) The focal point for tobacco control shall carry out such functions as are prescribed under these Regulations.

Functions.

5. The functions of the focal point for tobacco control are to-

- (a) develop and implement appropriate policies for preventing and reducing tobacco consumption, nicotine addiction and exposure to tobacco smoke;
- (b) adopt and implement measures for testing, measuring and regulating the contents and emissions of tobacco products in accordance with guidelines issued by the Conference of Parties of the Framework Convention on Tobacco Control;
- (c) promote and strengthen public awareness of tobacco control issues, using all available communication tools;
- (d) promote broad access to effective and comprehensive educational and public awareness programmes on the health risks including the addictive characteristics of tobacco consumption and exposure to tobacco smoke;
- (e) promote public awareness about the health risks of tobacco consumption and exposure to tobacco smoke, and about the benefits of the cessation of tobacco use and tobacco-free lifestyles;
- (f) promote public access to a wide range of information on the tobacco industry;
- (g) promote effective and appropriate training or sensitization and awareness programmes on tobacco control and addressed to persons such as health workers, community workers, social workers, media professionals, educators, decision makers, administrators and other relevant persons;
- (h) promote awareness and participation of public and private agencies and non-governmental organisations not affiliated with the tobacco industry in developing and implementing intersectoral programmes and strategies for tobacco control;
- (i) promote public awareness of and access to information regarding the adverse health, economic, and environmental consequences of tobacco production and consumption;
- (j) develop and disseminate appropriate, comprehensive and integrated guidelines based on scientific evidence and best practices, taking into account circumstances and priorities in Gibraltar;
- (k) take effective measures to promote cessation of tobacco use and adequate treatment for tobacco dependence;
- (l) take effective measures to prevent tobacco product sales to minors.

Impartiality of focal point.

6. In developing and implementing public health policies under regulation 5, the focal point for tobacco control must ensure that these policies are not influenced by commercial or other vested interests of the tobacco industry.

Duty to co-operate.

7. The focal point for tobacco control must cooperate, as far as reasonably practicable, with competent international and regional intergovernmental organisations and bodies to achieve the objectives of the Framework Convention on Tobacco Control and any protocol under that convention that applies to Gibraltar.

PART 3**PACKAGING AND LABELLING****General health warning and information messages on tobacco products and smokeless tobacco products.**

8.(1) A person must not sell, offer for sale or possess for the purpose of sale any tobacco product unless the package bears-

- (a) a general health warning stating “Smoking kills”; and
- (b) an information message stating “Tobacco smoke contains over 70 substances known to cause cancer”.

(2) A person must not sell, offer for sale or possess for the purpose of sale any smokeless tobacco product unless the package bears the information message stating “This tobacco product damages your health and is addictive”.

(3) The general health warning and the information message referred to in subregulations (1) and (2) must-

- (a) in respect of subregulation (1) cover 50% of the surfaces on which they are printed;
- (b) in respect of subregulation (2) appear on the two largest surfaces of the unit packet and any outside packaging and cover 30% of the surfaces of the unit packet and any outside packaging;
- (c) be located on each package in such a way that the warning is not damaged when the package is opened; and

(d) be irremovably printed, indelible and fully visible.

(4) The dimensions of the general health warning and the information message in subregulation (3) shall be calculated in relation to the surface concerned when the packet is closed.

Combined health warning on tobacco products and smokeless tobacco products.

8A.(1) A person must not sell, offer for sale or possess for the purpose of sale any tobacco product or smokeless tobacco product unless the package bears a combined health warning-

- (a) prescribed by the Competent Authority under regulation 8B; and
- (b) consisting of a combination of:
 - (i) a text warning; and
 - (ii) a corresponding colour photograph or illustration.

(2) The combined health warning prescribed by the Competent Authority shall-

- (a) cover 65% of both the external front and back surface of the unit packet and any outside packaging; and
- (b) include cessation information.

(3) The dimensions of the combined health warning in subregulation (2) shall be calculated in relation to the surface concerned when the packet is closed.

Administrative notice.

8B.(1) The Competent Authority must prescribe by way of administrative notice-

- (a) the combined health warnings under regulation 8A; and
- (b) the selection and use of the combined health warnings on a rotating basis ensuring, so far as is reasonably practicable, equal visibility and market presence over time;
- (c) such other matters concerning the packaging and labelling of tobacco products or smokeless tobacco products,

and that administrative notice must be made available to the public.

(2) Under this Part, the Competent Authority is the Collector of Customs.

(3) The Chief Minister may, by notice in the Gazette, designate such other person as he considers fit to be the Competent Authority for Gibraltar under this Part.

Prohibition on obscuring health warning.

9.(1) A person must not sell, offer for sale or possess for the purpose of sale a tobacco product or smokeless tobacco product with its general or combined health warning and information message illegible, covered or obscured by tax stamps, price marks, security features, unique identifiers, wrappers, jackets, boxes or other items.

(2) A person must not sell, offer for sale or possess for the purpose of sale any product or device that is used or intended to be used to cover, obscure or alter the general or combined health warning and information message required under regulation 8 or regulation 8A.

False information on package.

10.(1) A person must not sell, offer for sale or possess for the purpose of sale a tobacco product or smokeless tobacco product if the package contains-

- (a) any information that is false, misleading, deceptive, or likely or intended, directly or indirectly, to create an incorrect impression about the characteristics, health effects, health hazards or emissions of such products;
 - (b) any claim suggesting or implying that its use or exposure to its smoke is not hazardous or less hazardous than other tobacco products or smokeless tobacco products or brands.
- (2) The restrictions in subregulation (1) include but are not limited to the use of-
- (a) words or descriptors, whether or not a part of the brand name, such as “ultra light”, “light”, “mild”, “low tar”, “slim” or similar words or descriptors;
 - (b) any graphics associated with, or likely to be associated with, such words or descriptors;
 - (c) any package design characteristics associated with or like or intended to be associated with such descriptors.

Language of labelling information.

11. A person must not sell, offer for sale or possess for the purpose of sale any tobacco product or smokeless tobacco product unless the labelling information is in English.

Package presentation.

11A.(1) A person must not sell, offer for sale or possess for the purpose of sale any tobacco product or smokeless tobacco product where the labelling of unit packets and any outside packaging includes any element or feature that-

- (a) promotes a tobacco product or encourages its consumption by creating an erroneous impression about its characteristics, health effects, risks or emission;
- (b) includes any information about nicotine, tar or carbon monoxide content of the tobacco product;
- (c) suggests that a particular tobacco product is less harmful than others or aims to reduce the effect of some harmful components of smoke or has vitalizing, energetic, healing, rejuvenating, natural, organic properties or has other health or lifestyle benefits;
- (d) refers to taste, smell, any flavourings or other additives or the absence thereof;
- (e) resembles a food or a cosmetic product;
- (f) suggests that a certain tobacco product has improved biodegradability or other environmental advantages;
- (g) suggests economic advantages by including printed vouchers, offering discounts, free distribution, two-for-one or other similar offers.

(2) The elements and features that are prohibited in subregulation (1) include but are not limited to texts, symbols, names, trademarks, figurative or other signs.

Prohibition on sale of tobacco.

12.(1) A person must not sell, offer for sale or possess for the purpose of sale-

- (a) individual cigarettes; or
- (b) a package of cigarettes containing less than 20 cigarettes;
- (c) a package of hand-rolling tobacco containing less than 30 grams of tobacco.

2019-01

European Union (Withdrawal)

2020/215

Tobacco Control Regulations 2020

(2) This regulation does not apply to cigars.

Transitional provision relating to packaging and labelling.

12A.(1) Cigarettes and hand-rolling tobacco that do not comply with regulations 8, 8A, 9, and 11A may continue to be sold, offered for sale or possessed for the purpose of sale in Gibraltar until 15 July 2027, provided that those products were manufactured before the Implementation Date.

(2) Tobacco products other than cigarettes and hand-rolling tobacco, and smokeless tobacco products, that do not comply with regulations 8, 8A, 9, and 11A may continue to be sold, offered for sale or possessed for the purpose of sale in Gibraltar until 15 July 2028, provided that those products were manufactured before 15 July 2028.

(3) After the expiry of the period specified in subregulation (1) or, as the case may be, subregulation (2), no tobacco product or smokeless tobacco product may be sold, offered for sale or possessed for the purpose of sale in Gibraltar unless it complies with the requirements of this Part.

Offences and penalties under Part 3.

13.(1) A person who contravenes regulation 8, 8A, 9, 10, 11, 11A, 12 and 12A commits an offence and is liable on summary conviction to a fine up to level 4 on the standard scale.

(2) Where an offence against this Part has been committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or a person purporting to act in any such capacity, that person as well as the body corporate shall be deemed to be guilty of that offence and is liable to be proceeded against and punished accordingly.

Enforcement.

14.(1) Tobacco products and smokeless tobacco products that do not comply with this Part are liable to forfeiture.

(2) Tobacco products forfeited under subregulation (1) must be destroyed in accordance with sections 16 and 16A of the Tobacco Act 1997.