



Number 17 of 2013

PUBLIC HEALTH (TOBACCO) (AMENDMENT) ACT 2013

ARRANGEMENT OF SECTIONS

Section

1. Amendment of section 38 of Public Health (Tobacco) Act 2002.
 2. Repeals.
 3. Short title, collective citation, construction and commencement.
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[No. 17.] *Public Health (Tobacco) (Amendment) [2013.]
Act 2013.*

ACTS REFERRED TO

Public Health (Tobacco) (Amendment) Act 2011	2011, No. 15
Public Health (Tobacco) Act 2002	2002, No. 6
Tobacco Products (Control of Advertising, Sponsorship and Sales Promotion) Act 1978	1978, No. 27



Number 17 of 2013

PUBLIC HEALTH (TOBACCO) (AMENDMENT) ACT 2013

AN ACT TO AMEND THE PUBLIC HEALTH (TOBACCO) ACT 2002; TO REPEAL CERTAIN PROVISIONS OF THE TOBACCO PRODUCTS (CONTROL OF ADVERTISING, SPONSORSHIP AND SALES PROMOTION) ACT 1978; AND TO PROVIDE FOR RELATED MATTERS.

[4th June, 2013]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—Section 38 (as amended by section 1 of the Public Health (Tobacco) (Amendment) Act 2011) of the Public Health (Tobacco) Act 2002 is amended by the substitution of the following subsections for subsections (10) and (11):

Amendment of section 38 of Public Health (Tobacco) Act 2002.

“(10) The Minister may make regulations in relation to the control and regulation of activities which are intended or are likely to promote the sale of tobacco products.

(10A) Without prejudice to the generality of subsection (10), regulations under subsection (10) may make provision for all or any of the following:

- (a) the prohibition of the sale (by whatever means) of any tobacco product at a reduced price to a person on the purchase by that person of any other—
 - (i) tobacco product, or
 - (ii) product or service;
- (b) the prohibition of the making available (by whatever means) of any tobacco product to a person free of charge on the purchase by that person of any other—
 - (i) tobacco product, or
 - (ii) product or service;
- (c) the prohibition of the promotion (by whatever means) of any tobacco product to a person at a reduced price or free of charge on the purchase by that person of any other—
 - (i) tobacco product, or

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(ii) product or service;

(d) the prohibition of the—

(i) sale (by whatever means),

(ii) making available (by whatever means), or

(iii) promotion (by whatever means),

of any tobacco product to a person at a reduced price or free of charge for a limited period of time on any day.

(11) A person who contravenes a provision of regulations made under subsection (10) shall be guilty of an offence.”

Repeals. **2.—**(1) The following provisions of section 2 of the Tobacco Products (Control of Advertising, Sponsorship and Sales Promotion) Act 1978 are repealed:

(a) paragraph (c) of subsection (1);

(b) paragraphs (h) and (i) of subsection (2).

(2) Notwithstanding *subsection (1)*, regulations made under section 2 of the Tobacco Products (Control of Advertising, Sponsorship and Sales Promotion) Act 1978 that are in force immediately before the coming into operation of *subsection (1)(a)* or *(b)*, as the case may be, shall, subject to *subsection (3)*, continue in force after such commencement.

(3) Regulation 17 of the Tobacco Products (Control of Advertising, Sponsorship and Sales Promotion) Regulations 1991 (S.I. No. 326 of 1991) is revoked.

Short title, collective citation, construction and commencement. **3.—**(1) This Act may be cited as the Public Health (Tobacco) (Amendment) Act 2013.

(2) The Public Health (Tobacco) Acts 2002 to 2011 and this Act may be cited together as the Public Health (Tobacco) Acts 2002 to 2013 and shall be read together as one.

(3) This Act shall come into operation on such day or days as the Minister for Health may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions and for the repeal of different provisions of the enactment effected by *subsection (1)(a)* or *(b)* of *section 2* and the revocation of (or different provisions of) the regulation effected by *subsection (3)* of that section.