No. 2 of 2004

TOBACCO PRODUCTS (BAN ON ADVERTISEMENT) ACT, 2003

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Tobacco Products (Ban on Advertisement) Act, 200

THE GAMBIA

NO. 2 OF 2004

Assented to by The President,

this 02 day of January, 2004

YAHYA A. J. J. JAMMEH
President.

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AN ACT to prohibit the advertisement of tobacco products in any form and for matters connected therewith.

[ ]

ENACTED by the President and the National Assembly.

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Short title

1. This Act may be cited as the Tobacco Products (Ban on Advertisement) Act, 2003.

Interpretation

2. In this Act, unless the context otherwise requires-

"advertisement" includes every form of commendation or promotion of a tobacco product to the public, and in particular –

(a) the statement of the name of the tobacco product or of any brand, trade description or designation, by reference to which the tobacco product is sold; or

(b) the statement of any properties of the tobacco product;

"tobacco product" means any form of tobacco intended for smoking or chewing, including cigarettes.

Ban on advertisement of tobacco products

3. As from the commencement of this Act, the advertisement or promotion of a tobacco product in any form, whatsoever, is banned.

Offences and penalties

4. A person who contravenes the provisions of section 3 commits an offence and is liable on conviction, in the case of –

(a) an individual, to a fine of not more than fifty thousand dalasis or imprisonment for a term not exceeding five years or to both the fine and imprisonment;

(b) a body corporate, to a fine of not less than one hundred and fifty thousand dalasis; and

(c) a continuing offence, to a further fine of ten thousand dalasis for each day the offence continues.

Offences by bodies of persons

5. Where an offence under this Act is committed by a body of persons -

(a) in the case of a body corporate, other than a partnership, every director or secretary of the body corporate; and

(b) in the case of a partnership, every partner,

shall also be deemed to have committed the offence.

Proof of offence

6. No person shall be convicted of an offence under this Act unless it is proved that the offence was committed with his or her consent or connivance and that the person did not exercise such diligence to prevent the commission of the offence as he or she ought to have exercised having regard to the circumstances of the case.

Repeal
1997 No. 6
2000 No. 7

7. (1) The Tobacco Products (Control of Advertisements) Act, 1997 and the Tobacco Products (Advertisement Levy) Act, 2000 are hereby repealed.

(2) The repeal of the Tobacco Products (Advertisement Levy) Act, 2000 does not affect the payment of any levy, which became due and payable before the commencement of this Act.

PASSED in the National Assembly this day of December, in the year of Our Lord Two Thousand and Three.

M. S. JALLOW
Clerk of the National Assembly.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed in the National Assembly, and found by me to be a true and correct copy of the said Bill.

M. S. JALLOW
Clerk of the National Assembly.