

# TOBACCO PRODUCTS (BAN ON ADVERTISEMENT) BILL, 2003

## ARRANGEMENT OF SECTIONS

### Section

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**NATIONAL ASSEMBLY**

**A BILL ENTITLED**

**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.

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 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 less 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 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. (1) 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.

(2) No person shall be convicted of an offence under this section 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

6. (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Products (Control of Advertisements) Act, 1997 and the Tobacco Products (Advertisement Levy) Act, 2000 are hereby repealed.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 effect the payment of any levy, which became due and payable before the commencement of this Act.

### **OBJECTS AND REASONS**

The purpose of this legislation is to ban the advertisement of tobacco products in The Gambia in recognition of their unquestionable harmful effects on the health of the population. The effective banning of tobacco advertisement in The Gambia is also reflective of the Government support to the Tobacco Control Convention adopted by the WHO recently.

**SAMBA FAAL**  
**SECRETARY OF STATE FOR YOUTH AND SPORTS**