

ASH Briefing: UK Tobacco Control Policy and Expenditure

Updated June 2013

Background

Health policy is largely formulated and implemented by the devolved administrations of each of the member countries of the United Kingdom. However, as tobacco falls within the remit of a number of different government departments: e.g. Treasury, Business, HMRC as well as Health, tobacco control policy is partly determined at UK-wide level and partly by the devolved administrations. The four nations of England, Scotland, Wales and Northern Ireland have responsibility for their own smoking cessation and health education campaigns while UK-wide policy and law applies to taxation, smuggling, advertising, and consumer protection issues such as the provision of health warnings on tobacco packaging. Some of these measures are determined by European Union legislation. [Note: for a quick overview of the laws relating to tobacco see the [ASH law guide](#)] Procedures for enforcement may vary between the administrations to reflect the differing legal systems.

An independent review of tobacco control policies in 30 European countries published in 2007 revealed that the UK scored the highest of the major European nations in a range of tobacco control measures.¹ These included the price of tobacco products, resources devoted to tobacco control, and smoking cessation treatment. The UK retained its top ranking in a subsequent survey of 31 European countries conducted in 2010.²

As a result of the Health and Social Care Act 2012 changes to the structure of the NHS in England will have an impact on the delivery of tobacco control measures such as the stop smoking services as responsibility for public health shifts from the NHS to local government. Since April 2013 work previously carried out by primary care trusts has been transferred to clinical commissioning groups, partly run by the general practitioners (GPs) in England. A new public body, Public Health England, was also launched on 1 April 2013. For further information see the section on smoking cessation below.

Targets to reduce smoking

In March 2011 the Coalition Government launched a new tobacco control plan for **England**.³ This includes an ambition to reduce smoking prevalence among adults to 18.5% or less by 2015; to 12% or less among 15 year olds by 2015; and to 11% or less among pregnant women by the end of 2015. Other commitments included a proposal to hold a public consultation on the plain packaging of tobacco, a ban on the sale of cigarettes from vending machines, and confirmation that a ban on the display of tobacco products at point of sale would go ahead, albeit with a delay in implementation (see section on advertising below).

Similar plans have been developed for the other countries in the UK:

In **Wales**, the Welsh Government has set a target to reduce adult smoking rates to 16% by 2020.⁴ The Scottish Government has published a new tobacco control strategy for **Scotland** which includes a target to reduce adult smoking prevalence to 5% or less by 2034.⁵ In **Northern Ireland**, a new 10-year Tobacco Control Strategy was launched in February 2012.⁶

Current smoking prevalence in the UK

Each of the four jurisdictions within the United Kingdom collect data on smoking. The following table shows smoking prevalence as recorded in each jurisdiction for 2010.

Smoking prevalence – 2011⁷			
Persons aged 16 and over			
	Men	Women	All Adults
England	23	19	21
Wales	24	21	23
Scotland	25	22	23
N. Ireland	27	23	25

In addition, the Office for National Statistics' General Lifestyle Survey for 2011, which does not include Northern Ireland, reported the following adult smoking rates:⁸

Smoking prevalence – Great Britain 2011			
Persons aged 16 and over			
	Men	Women	All Adults
England	20	18	19
Wales	22	25	24
Scotland	26	23	24
Great Britain	21	19	20

Policies applicable to the whole of the United Kingdom

ADVERTISING & PROMOTION

Tobacco advertising is banned by law throughout the United Kingdom. The Tobacco Advertising and Promotion Act 2002 prohibits tobacco advertising on billboards, in print media, by direct mail and through sponsorship. Tobacco advertising on television and radio is prohibited under the Broadcasting Acts of 1990 and 1996 as well as EU law.

Law: Tobacco Advertising and Promotion Act 2002
<http://www.hms.gov.uk/acts/acts2002/20020036.htm>

Implementation of the **ban on the display of tobacco products at the point of sale** in **England** entered into force on 6 April 2012 in large shops (with a floor area exceeding 280 square metres) while small shops will have until April 2015 to comply with the legislation.³ Similar proposals were passed in **Scotland** as part of the Tobacco and Primary Medical Services (Scotland) Act 2010 but implementation was delayed due to a legal challenge by the tobacco industry which was subsequently rejected by the Scottish High court.

Date of implementation of Point of Sale display ban		
	Small shops	Large shops
England	6 April 2012	6 April 2015
Northern Ireland	31 October 2012	6 April 2015
Wales	3 December 2012	6 April 2015
Scotland	29 April 2013	6 April 2015

Law: The Tobacco Advertising and Promotion (Display and Specialist Tobacconists) (England) (Amendment) Regulations 2011
<http://www.legislation.gov.uk/ukxi/2011/1256/contents/made>

[Note different regulations apply to other jurisdictions of the UK]

PROTECTION OF CHILDREN

Tobacco products can be sold from any retail outlet but retailers have a duty to ensure tobacco products are not sold to anyone under the age of 18. The minimum age for the purchase of tobacco was raised from 16 to 18 in England, Wales and Scotland on 1 October 2007 and was raised to 18 in Northern Ireland on 1 September 2008.

In Scotland, uniquely, any retailer selling tobacco must be registered.⁹ In addition it is an offence under Scottish law for adults to purchase tobacco on behalf of children and for minors to attempt to purchase tobacco.¹⁰

In all places in the UK where tobacco is sold a warning notice must be prominently displayed stating: "It is illegal to sell tobacco products to anyone under the age of 18".

Cigarettes cannot be sold in packs of fewer than 10 or singly.

There is no centrally held data of expenditure on enforcement costs relating to under age sales of tobacco products. Enforcement is undertaken at Local Authority level.

The Health Act 2009 (covering England, Wales & N. Ireland) included a clause to further protect children by prohibiting the sale of cigarettes from vending machines.

The ban on the sale of tobacco products from **vending machines** in England entered into force on 1 October 2011, in Wales on 1 February 2012 and in Northern Ireland on 1 March 2012. Prohibition of sales of tobacco from vending machines in Scotland was delayed due to the legal challenge to the Tobacco and Medical Services (Scotland) Act 2010 and finally entered into force on 29 April 2013.

Law: Children and Young Persons (Protection from Tobacco Act) 1991
http://www.hmsso.gov.uk/acts/acts1991/Ukpga_19910023_en_1.htm

Order amending the law on the age of sale:
[The Children and Young Persons \(Sale of Tobacco etc.\) Order 2007](#)

The Protection from Tobacco (Sales from vending machines) (England) Regulations 2010
<http://www.legislation.gov.uk/ukxi/2010/864/contents/made>

PRODUCT REGULATION AND LABELLING

Written health warnings are required on all tobacco packaging as determined by the European Union Council Directive 2001/37/EC, implemented in the UK by the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002.

A new list of written warnings was adopted in March 2012 and Member States will have until March 2014 to implement the changes.¹¹

The EU Directive permits Member States to add **pictorial warnings** on tobacco products but only EU approved images are allowed. To date, 10 EU Member States – Belgium,

Denmark, France, Hungary, Ireland, Latvia, Malta, Romania, Spain and the UK – have passed legislation requiring pictorial warnings on tobacco products. In addition, 3 non EU countries – Norway, Switzerland and Turkey – have adopted EU style pictorial warnings on cigarette packs. In the UK, picture warnings on cigarette packs were introduced from October 2008. Pictorial warnings on all other tobacco products have been required since October 2010. The UK was the first country to require pictorial warnings on all tobacco products.

The Tobacco Products Directive also places maximum levels on the amount of tar, nicotine and carbon monoxide permitted in cigarettes and requires tobacco companies to disclose tobacco ingredients to national governments.

Law: [EC Directive 2001/37/EC](#); [EC Directive 2012/9/EU](#)
UK Regulations: <http://www.hmso.gov.uk/si/si2002/20023041.htm>
The picture warnings can be viewed at: <http://tinyurl.com/3pg95f>

The European Commission is currently considering a proposal to amend the tobacco products directive. This includes a proposal to make pictorial health warnings mandatory. For further details see: http://ec.europa.eu/health/tobacco/consultations/tobacco_cons_01_en.htm

Standardised Packaging

From April to August 2012, the Westminster government held a public consultation on options to amend tobacco packaging including the introduction of plain, standardised packaging for all tobacco products. The Government has yet to issue a response to the consultation. Meanwhile the devolved administrations in Scotland, Wales and Northern Ireland have all expressed support for the measure.¹²

TAX AND SMUGGLING

In the 1998 White Paper 'Smoking Kills' the Labour government announced that it planned to increase tobacco tax by at least 5% a year in real terms. This policy was dropped in 2001 and subsequently annual increases were generally at, or marginally above, inflation rates. The tax escalator – at 2% above inflation - was re-introduced in the March 2010 Budget. The Conservative-led coalition government, formed in May 2010, continued with this policy in the 2011 Budget but in 2012 tobacco duty was increased by 5% above inflation. In 2013, the rate reverted back to the 2% escalator.

In 2000, the Government launched a £200 million initiative to tackle tobacco smuggling. As a result, the illicit market share fell from a peak of 21% in 2000-1, to 15% by 2003-4. In the 2006 Budget, the Treasury announced plans to extend the campaign which included a target to reduce the size of the UK illicit tobacco market by 1,200 tonnes by 2007/08. (See Treasury website for further details: www.hm-treasury.gov.uk) In the 2008 Budget, the Chancellor announced that the recently created UK Border Agency (UKBA) would take responsibility for developing a new comprehensive strategy to tackle tobacco smuggling.

In answer to a series of Parliamentary Questions^{13 14 15 16 17} on staffing and resources allocated to the anti-smuggling strategy, the following information was provided. Since 2009, most of the personnel involved in smuggling detection have been deployed by the UK Border Agency which is part of the Home Office. However, apart from the estimated overall number of staff engaged in the anti-smuggling strategy in 2009/10, the UKBA has not provided a detailed breakdown of how staff are employed.

The investigation and the provision of legal advice in relation to tobacco smuggling

remains the responsibility of HM Revenue and Customs.

Full-time equivalents of staff employed on tackling tobacco, 2005-2010

Year	HMRC			UKBA*	Total
	Detection	Investigation	Intelligence	Detection & Intelligence	Full-time equivalents
2005/06	1407	319	279	n/a	2005
2006/07	1557	278	295	n/a	2130
2007/08	1574	287	264	n/a	2125
2008/09	1500	395	255	n/a	2150
2009/10	153	360	172	1504	2189
2010/11	130	399	172	1504*	2205*

*Note: For the UKBA the figures provided are for staff assigned to detection and intelligence duties combined. n/a denotes 'not applicable' for the period prior to 2009. available. The UKBA figures for 2010/11 and therefore the total for both agencies are estimates since the UKBA has not yet released this data.

Expenditure incurred on salaries for full time equivalent staff allocated to tobacco smuggling is shown in the table below. Figures for 2000 to 2006 are not available. Figures for the UK Border Agency are estimates.¹ (See footnote below for methodology)

Year	HMRC			UKBA	Total
	Detection	Investigation	Intelligence	Detection & Intelligence	
2006/07	£61,351,790.69	£13,246,434.95	£12,246,665.35	n/a	£86,844,890
2007/08	£65,037,870.02	£14,243,597.55	£11,271,899.07	n/a	£90,553,366
2008/09	£64,257,196.50	£19,998,544.53	£12,244,642.47	n/a	£96,500,383
2009/10	£ 5,362,740	£20,840,605	£ 7,946,658	£61,100,000	£95,250,003
2010/11	£ 5,504,241	£20,270,831	£ 6,152,047	£58,735,712	£90,662,831
2011/12	n/a separately	£25,636,005*	£ 8,143,109		

*includes detection, criminal investigation & specialist civil investigation. The total expenditure by HMRC on salaries for 2011/12 was £36,881,681. Data from UKBA is not currently available.

HMRC is unable to disaggregate time spent on the provision of legal advice on tobacco from related matters on time spent on other advisory work so there is no estimate for this cost.

HMRC's fleet of mobile x-ray scanners has made a vitally important contribution to the success of the tobacco smuggling strategy. HMRC has had 14 scanners in operation since 2003. These scanners were purchased between 2000 and 2001 at a total cost of £29,663,005 and an average cost of £183,000 per annum for maintenance.

¹ The estimates are based on the assumption that the average staff costs at UKBA are the same as those for HMRC. For example, the FTE cost of those employed in detection duties at HMRC in 2009/10 was £35,050 (£5.3m divided by 153) and that for intelligence work was £46,201. An average of these two combined is £40,625. Taking this figure and multiplying by 1504 (FTE at UKBA) gives a figure of £61.1m.

Five new scanners were purchased in 2009 at a cost of £842,000 per scanner with ongoing maintenance costs of £180,000 per scanner over a ten year contract. Responsibility for the x-ray scanners has now passed to the UK Border Agency.¹⁵

In 2010-11 and 2011-12 the contractual maintenance costs of this equipment cost £1,487,000 and £1,133,000 respectively. In addition, new scanning equipment costing £66,005 was purchased. However, the x-ray scanners are also used to detect the presence of other prohibited drugs and restricted goods so the costs of operating them cannot be solely attributed to tobacco smuggling.¹⁸

HM Revenue and Customs spent almost £1.5m (excluding VAT) on targeted media campaigns to support its anti-tobacco smuggling strategy between 2003 and 2008.

2003/04	£672,449
2004/05	£83,368
2005/06	£556,382
2006/07	£91,993
2007/08	£55,000
2008/09	nil
2009/10	£170,000
2010/11	nil

Since 2000, the Government's anti-smuggling strategy has been regularly updated.¹⁹ In April 2011 HMRC and the UK Border Agency launched a new plan to tackle tobacco smuggling, building on the 2008 strategy.²⁰ Key elements of the plan include:

- increasing criminal intelligence and investigation resources deployed on tobacco fraud by 20% to prosecute more of those involved in smuggling at all levels;
- introducing new technology, intelligence and detection capability;
- pursuing proceeds of crime and applying new powers of assessment and penalties;
- reducing the minimum indicative levels for personal imports to 800 cigarettes and 1 kg hand-rolling tobacco, bringing the UK into line with all other EU Member States.

OTHER POLICIES

Non-promotion of tobacco products, or events overseas. UK embassies and high commissions are required to take care to avoid involvement in events which advertise or promote tobacco products overseas. See:

http://www.ash.org.uk/files/documents/ASH_560.pdf

Support for international tobacco control work. The UK government has ratified the [Framework Convention on Tobacco Control](#) (FCTC) and is committed to implementing the policies contained within the treaty. Amongst these is an obligation under Article 5.3 of the treaty to ensure that health policy is protected from the vested and commercial interests of the tobacco industry.

Policies implemented by differing laws or regulations within the UK

SMOKING CESSATION

Note: The summary below applies to England only although similar measures are in place in Scotland, Wales and Northern Ireland. For information on Scottish stop smoking services see: <http://www.tobaccoinScotland.com>, for Wales <http://wales.gov.uk/news/topic/health/2007/1880755/?lang=en> and Northern Ireland see: www.healthpromotionagency.org.uk

Smoking cessation is a key component of the coalition government's Tobacco Control Plan and builds on that established by the Labour government in the 'Smoking Kills' White Paper published in 1998. Nicotine Replacement Therapy (NRT), bupropion (Zyban) and varenicline (Champix) are available on prescription. Most forms of NRT are also on general sale.

Since the structural changes to the NHS in England came into effect in April 2013 responsibility for managing the stop smoking services has shifted to local government. Local authorities will be expected to measure performance against smoking prevalence indicators set out in the Public Health Outcomes Framework and to deliver the best cessation opportunities within their area to support progress against the indicators.

The importance of helping smokers to quit is also stressed in priorities guidance to the NHS and health professionals. Details are included on the NICE website (www.nice.org.uk)

The Government also established the [National Centre for Smoking Cessation and Training](#) to help improve the delivery, management and commission of smoking cessation support services in England. The NCSCCT received £3 million from the Department of Health for the period April 2009 to March 2012.

NHS STOP SMOKING SERVICES

The NHS Stop Smoking Services (formerly smoking cessation services) were launched in the Health Action Zones (HAZ) - areas of high deprivation - in 1999/00. The services were rolled out to the rest of England and Wales in 2000/01. Further information on the operation of the Stop Smoking Services is available in the [Stop Smoking Service Delivery and Monitoring Guidance](#)

Expenditure on smoking cessation services rose steadily increased since their creation in 2000, rising from £21.5 million to £88.2 million in 2011-12. The cost per quitter in 2011/12 was £220, excluding pharmacotherapies available on prescription. The net ingredient cost of all pharmacotherapies to help people stop smoking was £60.1 million in 2012.

Year	Allocation	Actual Expenditure
NHS services	£ (million)	£ (million)
1999-00 (HAZ)	10	5.0
2000-01	20	21.5
2001-02	20	24.7
2002-03	20	24.7
2003-04	41	36.2

2004-05	46	46.8
2005-06	51	51.9
2006-07	56	51.2
2007-08	56	*61.0
2008-09		73.5
2009-10		83.9
2010-11		84.3
2011-12		88.2

*£56m supplied by Department of Health. Additional money from other funding streams negotiated locally.

Smoking and Pregnancy initiative

2001-02 additional money	3	Sum included in final total above
2002-03 additional money	3	Sum included in final total above

Net ingredient cost of NRT on prescription

	Annual Expenditure £ (million)
1999-00 (HAZ)	0.1
2000-01	0.9
2001-02	21.7
2002-03	25.6
2003-04	32.5
2004-05	40.9
2005-06	43.5
2006-07	39.7
2007-08	35.8
2008-09	30.0
2009-10	31.2
2010	30.9
2011	31.4
2012	29.0

Net ingredient cost of Bupropion (Zyban) on prescription

1999-00 (HAZ)	Not available until June 2000. No data
2000-01	14.7
2001-02	7.3
2002-03	4.7
2003-04	4.5
2004-05	5.2
2005-06	4.6
2006-07	4.3
2007-08	3.8
2008-09	2.2
2009-10	2.1
2010	1.7
2011	1.3
2012	1.0

Net ingredient cost of Varenicline (Champix)

2006-07	0.76
2007-08	21.7
2008-09	24.2
2009-10	28.5
2010	52.5
2011	33.7
2012	30.1

Source: [Department of Health Statistical Bulletins](#) 1999-2005;
[Statistics on Smoking in England, 2007](#) Prescription Cost Analysis reports 2008-2011;
[Prescription Cost Analysis 2012](#)
[Statistics on NHS stop smoking services England: April 2010-March 2011](#)
[Statistics on NHS stop smoking services England: April 2011-March 2012](#)

SMOKING IN PUBLIC PLACES AND THE WORKPLACE

Scotland was the first country within the United Kingdom to ban smoking in all indoor workplaces and public places. The law entered into force on 26 March 2006. [The Smoking, Health and Social Care \(Scotland\) Act 2005](#) requires virtually all workplaces to become smokefree. Limited exemptions include places where the workplace is also a place of residence such as hospices and psychiatric hospitals.

A ban on smoking in workplaces and other indoor public places was implemented throughout the rest of the United Kingdom in April 2007 (Wales & N.Ireland) and July 2007 in England. The legislation is contained in the Health Act, which was passed in July 2006. Implementation details are contained in Regulations, available at: www.smokefreeengland.co.uk/thefacts/situation.html

In England, a temporary exemption of one year was granted to mental health institutions but since July 2008 all common areas in such premises are required to be smokefree.

The Government allocated funding to support implementation of the smokefree legislation for the financial years 2006-07 and 2007-08.

The Department of Health distributed £29.5 million to support first-tier local authorities in England to undertake new work associated with the introduction of smokefree legislation on 1 July 2007. Local Authority Circular (2006) 17 sets out the background to the funding and breakdown by local authority. <http://www.dh.gov.uk/assetRoot/04/14/17/46/04141746.pdf>

MASS MEDIA HEALTH PROMOTION CAMPAIGNS TO ENCOURAGE SMOKING CESSATION

Expenditure on mass media education campaigns in England and Wales increased significantly from 1999, reaching a peak in the 2004/05 financial year but has declined subsequently.²¹ However, a recent estimate suggests that expenditure rose again in 2012-13²² Expenditure in 2004-05 included the provision of £15M over three years to Cancer Research UK and the British Heart Foundation.^{23 24}

1999-2000 - £6.18m
2000-2001 - £8.97m
2001-2002 - £7.79m
2002-2003 - £7.87m
2003-2004 - £17.34m
2004-2005 - £20.04m
2005-2006 - £20.80m
2006-2007 - £13.17m
2007-2008 - £10.79m
2008-2009 - £23.38m
2009-2010 - £14.6m
2010-2011 - £0.46m
2011-2012 - £3.16m
2012-2013 - £9.2 m (estimate)

OTHER TOBACCO CONTROL EXPENDITURE (England)

Regional Tobacco Control

From 2003 until 2008 £2million a year was allocated to the Regional Directors of Public Health to fund local tobacco control strategies, including tobacco alliances. There are currently three regional tobacco control organisations in England: [Fresh](#) (Smokefree NorthEast), [Tobacco Free Futures](#) (North West) and [Smoke Free South West](#) which also help support local tobacco control alliances.

¹ Raw, M and Joossens, L. Progress in tobacco control policies in 30 European countries, 2005 to 2007. ENSP, 2007 [View report](#)

² Joossens, L and Raw M. [The Tobacco Control Scale 2010 in Europe](#) A report of the Association of European Cancer Leagues, Brussels, 2011

³ Healthy lives, Healthy people: [A tobacco control plan for England](#) Department of Health, 2011

⁴ [Tobacco Control Action Plan for Wales](#) Feb. 2012

⁵ [Tobacco Control Strategy - Creating a Tobacco-free Generation](#) The Scottish Government, March 2013

⁶ [Health Minister launches tobacco strategy for Northern Ireland](#) NI Department of Health, Feb 2012

⁷ [Health Survey for England 2011](#) , [The Scottish Household Survey 2011](#) ; [The Welsh Health Survey 2011](#) , [Health Survey Northern Ireland 2011-12](#)

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- ⁸ [General Lifestyle Survey 2011](#) ONS, 2013
- ⁹ For details of the tobacco register see: <http://www.tobaccoregisterscotland.org/>
- ¹⁰ See: http://www.legislation.gov.uk/asp/2010/3/pdfs/asp_20100003_en.pdf
- ¹¹ [EC Directive 2012/9/EU amending Annex 1 of EC Directive 2001/37/EC](#)
- ¹² <http://bit.ly/14qczIF> ; <http://bit.ly/12vM1Xw> ; <http://bit.ly/12vMI8B>
- ¹³ PQs tabled by David Taylor MP. [Response provided by HM Treasury, 10 June 2009](#) Col 907W
- ¹⁴ [Reply to PQ tabled by Dr Sarah Wolaston from HM Treasury on 15 Feb. 2011](#)
- ¹⁵ [Reply to PQ tabled by Stephen Williams from HM Treasury, 20 March 2012](#)
- ¹⁶ [Reply to PQ tabled by Stephen Williams MP from Home Dept. 20 March 2012](#)
- ¹⁷ [Reply to PQ tabled by Dr Sarah Wollaston from Home Dept. on 20 Dec. 2011](#)
- ¹⁸ [Reply to PQ Col 525W 14 Jan. 2013](#)
- ¹⁹ The key publications are: [Tackling tobacco smuggling. March 2000](#); [New responses to new challenges - Reinforcing the tobacco smuggling strategy. HMRC 2006](#); [Tackling Tobacco Smuggling Together. HMRC & UKBA 2008](#);
- ²⁰ HMRC & UK Border Agency. [Tackling Tobacco smuggling - building on our success.](#) A renewed strategy for HM Revenue & customs and the UK Border Agency. London, 2011
- ²¹ [Ministerial Statement - Correction to Written Answers - Phil Hope Col 123WS 21 July 2009](#)
- ²² [Reply to PQ Col 954W 5 March 2013](#)
- ²³ [Reply to PQ. Cols 357-361W 15 July 2008](#)
- ²⁴ [Reply to PQ tabled by Chris Ruane Col 864W 24 April 2012](#)