



Tobacco Advertising and Promotion Act 2002

2002 CHAPTER 36

17 Defences: burden of proof

- (1) This section applies where a person charged with an offence under this Act relies on a defence under any of sections 5(1) to (6), 6(1), [^{F1}7B(5) and (7),] 9(5), 10(3) and (4) and 15(3).
- (2) Where evidence is adduced which is sufficient to raise an issue with respect to that defence, the court or jury shall assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.

Textual Amendments

- F1** Words in s. 17(1) inserted (6.4.2012 for E., 31.10.2012 for N.I., 3.12.2012 for W.) by [Health Act 2009](#) (c. 21), s. 40(1), [Sch. 4 para. 10](#); [S.I. 2010/1068](#), art. 2(1A)(b)(iii) (as amended (9.5.2011) by [S.I. 2011/1255](#), art. 2(a)(b)); [S.R. 2012/389](#), art. 2(1)(b)(iv); [S.I. 2012/1288](#), art. 2(2)(b)(ii)

Commencement Information

- II** S. 17 wholly in force at 14.2.2003; s. 17 not in force at Royal Assent see s. 22(1)(2); s. 17 wholly in force at 14.2.2003 by [S.I. 2002/2865](#), [art. 2\(2\)\(i\)](#); [S.S.I. 2002/512](#), [art. 2\(2\)\(i\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Tobacco Advertising and Promotion Act 2002, Section 17.