



Tobacco Advertising and Promotion Act 2002

2002 CHAPTER 36

13 Enforcement

- (1) For the purposes of this Act “enforcement authority” means—
 - (a) in England and Wales, a [^{F1}local] weights and measures authority,
 - (b) in Scotland, a local weights and measures authority, and
 - (c) in Northern Ireland, a district council.
- (2) It is the duty of an enforcement authority to enforce within its area the provisions of this Act and regulations made under it.
- (3) The appropriate Minister may direct, in relation to cases of a particular description or a particular case, that any duty imposed on an enforcement authority in England and Wales [^{F2}, Northern Ireland] or Scotland by subsection (2) shall be discharged by the appropriate Minister and not by the enforcement authority.
- ^{F3}(4)
- (5) The Secretary of State may take over the conduct of any proceedings [^{F4}which are—
 - (a) in respect of an offence committed in England, and
 - (b)] instituted in England and Wales by another person under any provision of this Act or regulations made under it.
- [^{F5}(5A) The Welsh Ministers may take over the conduct of any proceedings which are—
 - (a) in respect of an offence committed in Wales, and
 - (b) instituted in England and Wales by another person under any provision of this Act or regulations made under it.]
 - (6) The Department of Health, Social Services and Public Safety may take over the conduct of any proceedings instituted in Northern Ireland by another person under any provision of this Act or regulations made under it.
 - (7) For the purposes of the trying of offences under this Act or regulations made under it—

Changes to legislation: There are currently no known outstanding effects for the Tobacco Advertising and Promotion Act 2002, Section 13. (See end of Document for details)

- (a) any such offence committed in England or Wales may be treated as having been committed in any place in England or Wales, so that any magistrates' court in England or Wales has jurisdiction to try the offence, and
- (b) any such offence committed in Northern Ireland may be treated as having been committed in any place in Northern Ireland, so that any magistrates' court in Northern Ireland has jurisdiction to hear and determine a complaint charging the offence.

Textual Amendments

- F1** Word in s. 13(1)(a) inserted (12.1.2010) by [Health Act 2009 \(c. 21\)](#), s. 40(7)(b), **Sch. 4 para. 7(2)**
- F2** Words in s. 13(3) inserted (31.10.2012 for N.I.) by [Health Act 2009 \(c. 21\)](#), s. 40(1), **Sch. 4 para. 7(3)**; [S.R. 2012/389](#), art. 2(1)(b)(ii)
- F3** S. 13(4) repealed (31.12.2012) by [Health Act 2009 \(c. 21\)](#), s. 40(1), **Sch. 4 para. 7(4)**, **Sch. 6**; [S.I. 2012/2647](#), art. 2(b)
- F4** Words in s. 13(5) inserted (6.4.2012 for E.) by [Health Act 2009 \(c. 21\)](#), s. 40(1), **Sch. 4 para. 7(5)**; [S.I. 2010/1068](#), art. 2(1A)(b)(ii) (as amended (9.5.2011) by [S.I. 2011/1255](#), art. 2(a)(b))
- F5** S. 13(5A) inserted (6.4.2012 for E., 1.6.2012 for W.) by [Health Act 2009 \(c. 21\)](#), s. 40(1), **Sch. 4 para. 7(6)**; [S.I. 2010/1068](#), art. 2(1A)(b)(ii) (as amended (9.5.2011) by [S.I. 2011/1255](#), art. 2(a)(b)); [S.I. 2012/1288](#), art. 2(1)(a)

Modifications etc. (not altering text)

- C1** S. 13 applied by [SI 1991/2872 \(N.I. 25\)](#), art. 4A(5) (as inserted (12.11.2009 for specified purposes, 1.3.2012 in so far as not already in force) by [Health Act 2009 \(c. 21\)](#), **ss. 23**, 40(1), 40(6)(b); [S.R. 2012/68](#), art. 2)
- C2** S. 13 applied by 1991 c. 23, s. 3A(5) (as inserted (12.11.2009 for specified purposes, 1.10.2011 for E., 1.2.2012 for W. in so far as not already in force) by [Health Act 2009 \(c. 21\)](#), **ss. 22(1)**, 40(1), 40(6)(b)); [S.I. 2010/1068](#), art. 2(1)(a) (as amended (9.5.2011) by [S.I. 2011/1255](#), art. 2(a)(b)); [S.I. 2011/2362](#), art. 2)

Commencement Information

- I1** S. 13 wholly in force at 14.2.2003; s. 13 not in force at Royal Assent see s. 22(1)(2); s. 13 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 13.