
STATUTORY INSTRUMENTS

2015 No. 829

The Standardised Packaging of
Tobacco Products Regulations 2015

PART 5

Miscellaneous provisions

Offences and enforcement

Offences

15.—(1) A person who produces or supplies a tobacco product in breach of any provision of these Regulations is guilty of an offence.

(2) A person guilty of an offence under this regulation—

- (a) is liable on summary conviction to imprisonment for a term not exceeding three months, or a fine, or both, or
- (b) on conviction on indictment to imprisonment for a term not exceeding 2 years, or a fine, or both.

Offences by bodies corporate and Scottish partnerships

16.—(1) If an offence under these Regulations committed by a body corporate is proved—

- (a) to have been committed with the consent or connivance of an officer, or
- (b) to be attributable to any neglect on the officer's part,

the officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

(2) In paragraph (1) “officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity.

(3) If the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts and defaults of a member in connection with the member's functions of management as if that person were a director of the body corporate.

(4) If an offence under these Regulations committed by a partnership in Scotland is proved—

- (a) to have been committed with the consent or connivance of a partner, or
- (b) to be attributable to any neglect on the partner's part,

the partner as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.

(5) In paragraph (4) “partner” includes a person purporting to act as a partner

Defence

17. In any proceedings for an offence under these Regulations against a person who supplies any tobacco product in breach of any provision of these Regulations, it is a defence that the person neither knew nor had reasonable grounds for suspecting that the tobacco product was supplied in breach of that provision.

Enforcement

18.—(1) For the purpose of enforcement, the provisions of the Consumer Protection Act 1987^{M1} (apart from sections 12 and 13) are to apply to these Regulations as if these Regulations were safety regulations within the meaning of that Act.

(2) The reference to six months in section 14(6) of the Consumer Protection Act 1987 (imprisonment on summary conviction not to exceed six months), as that section has effect by virtue of paragraph (1), is to be read as a reference to three months.

(3) The appropriate minister may direct, in relation to cases of a particular description or a particular case, that any duty imposed on—

- (a) a local weights and measures authority in Great Britain, or
- (b) a district council in Northern Ireland,

under section 27 of the Consumer Protection Act 1987^{M2} (as that section has effect by virtue of paragraph (1)) is to be discharged instead by the appropriate minister.

Marginal Citations

M1 1987 c. 43.

M2 Section 27 was amended by S.I. 2008/1277.

Changes to legislation:

There are currently no known outstanding effects for the The Standardised Packaging of Tobacco Products Regulations 2015, Cross Heading: Offences and enforcement.