
STATUTORY INSTRUMENTS

2016 No. 507

The Tobacco and Related Products Regulations 2016

PART 9

Penalties and enforcement

Defences

50.—(1) In any proceedings for an offence under these Regulations brought against a person who supplies any tobacco product or related product in breach of these Regulations, it is a defence that the supplier exercised all due diligence to avoid committing the offence.

(2) In any proceedings for an offence against a person under regulations 42, 43 or 44 (advertising and sponsorship) it is a defence that the person exercised all due diligence to avoid committing the offence.

(3) In any proceedings for an offence against a person under regulations 42(1) or 43 it is a defence that the person did not know and had no reason to suspect that the advertisement was an electronic cigarette advertisement.

(4) In proceedings for an offence against a person under regulation 42(2), it is a defence that the person did not know and had no reason to suspect that the newspaper, periodical or magazine contained an electronic cigarette advertisement.

(5) A defendant may not, without permission of the court, rely on the defence provided by paragraph (1) or (2) on the basis that the commission of the offence was due to the act or default of another person or the defendant's reliance on information given by another person, unless the defendant has served on the prosecutor the notice mentioned in paragraph (6).

(6) That notice is notice in writing, giving such information identifying or assisting in the identification of that other person as is in the defendant's possession and which is served not less than seven clear days before the date of the hearing.

(7) A defendant may not rely on the defence provided by paragraph (1) or (2) by reason that the defendant relied on information given by another person, unless the defendant shows that it was reasonable in all the circumstances to have relied on that information.